



PLANS PANEL (WEST)

**Meeting to be held in Civic Hall, Leeds on
Thursday, 15th April, 2010
at 1.30 pm**

MEMBERSHIP

Councillors

M Coulson

C Campbell
(Chair)

A Castle

T Leadley

J Harper

F Robinson

N Taggart

B Chastney

L Yeadon

J Matthews

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>	

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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 approve the minutes of the last meeting held 18th March 2010 as a correct record</p> <p>(Copy attached)</p>	3 - 8
7	Various;		<p>REPORT ON RECENT APPEAL DECISIONS FOR HOUSEHOLDER APPLICATIONS FROM 1ST JULY 2009 TO 31ST MARCH 2010</p> <p>To consider the report of the Chief Planning Officer setting out the results of appeals decided within the Plans Panel West area for Householder Planning Applications for the period 1st July 2009 to 31st March 2010</p> <p>(Report attached)</p>	9 - 58

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8	Adel and Wharfedale; Guiseley and Rawdon; Horsforth; Otley and Yeadon;		<p>LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT OF NIGHT TIME AIRCRAFT MOVEMENTS, NOISE LEVELS AND AIR QUALITY</p> <p>To note the report of the Chief Planning Officer on the monitoring of night time movements, noise and air quality in relation to Leeds Bradford International Airport, Yeadon, LS19.</p> <p>(Report attached)</p>	59 - 66
9	Guiseley and Rawdon;		<p>APPLICATION 09/05311/OT - OUTLINE APPLICATION TO DEMOLISH MILL BUILDINGS, LAYOUT ACCESS ROAD AND ERECT RESIDENTIAL DEVELOPMENT, COMPRISING OF DWELLINGS, SHELTERED HOUSING ACCOMMODATION (C3) & CARE HOME (C2) AND CONVERSION OF MILL BUILDING TO RESIDENTIAL (INDICATIVE ONLY), WITH CAR PARKING, SPRINGHEAD MILLS, SPRINGFIELD ROAD, GUISELEY, LS20</p> <p>To consider the report of the Chief Planning Officer setting out proposed reasons to refuse an application for the redevelopment of the former Springhead Mills, Guiseley</p> <p>(Report attached)</p>	67 - 84
10	Headingley;		<p>APPLICATION 10/00779/EXT - EXTENSION OF TIME FOR PLANNING APPLICATION 06/02738/FU FOR 3 AND 4 STOREY BLOCK OF 3, 5 AND 6 BED APARTMENTS (47 BEDS IN 11 CLUSTERS) WITH 14 CAR PARKING SPACES AT 45 ST MICHAELS LANE, HEADINGLEY, LS6</p> <p>To consider the report of the Chief Planning Officer on an application seeking the extension of time limit for implementation of application 06/02738/FU relating to the residential redevelopment at 45 St Michaels Lane, Headingley</p> <p>(Report attached)</p>	85 - 100

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11	Calverley and Farsley;		<p>APPLICATION 10/00613/FU - VARIATION OF CONDITION 28 OF APPLICATION 25/407/05/OT (AFFORDABLE HOUSING MATTERS) TO APPROVED RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF MID POINT, OFFICE PARK, DICK LANE, PUDSEY</p> <p>To consider the report of the Chief Planning Officer on an application seeking to vary Condition 28 pertaining to Affordable Housing provision attached to Application 25/407/05/OT for residential development on land to the rear of Mid Point Office Park, Pudsey</p> <p>(Report attached)</p>	101 - 108
12	Calverley and Farsley;		<p>APPLICATION 10/00614/FU - VARIATION OF CONDITION 5 OF APPLICATION 07/05428/RM (AFFORDABLE HOUSING MATTERS) TO APPROVED RESIDENTIAL DEVELOPMENT, LAND TO THE REAR OF MID POINT, OFFICE PARK, DICK LANE, PUDSEY</p> <p>To consider the report of the Chief Planning Officer on an application seeking to vary Condition 5 pertaining to Affordable Housing provision attached to Application 07/05428/RM for residential development on land to the rear of Mid Point, Office Park, Pudsey</p> <p>(Report attached)</p>	109 - 114
13	Horsforth;		<p>APPLICATION 08/06627/FU - PART THREE STOREY, PART SINGLE STOREY SIDE EXTENSION WITH ROOF TERRACES AT FIRST FLOOR AND THIRD FLOOR LEVELS, 20 ROCKERY ROAD, HORSFORTH, LEEDS LS18 5AS</p> <p>To consider the report of the Chief Planning Officer on an application for extensions to an existing property at 20 Rockery Road, Horsforth</p> <p>(Report attached)</p>	115 - 124

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14	Hyde Park and Woodhouse;		<p>APPLICATION 09/03653/FU - RETROSPECTIVE APPLICATION FOR SINGLE STOREY REAR EXTENSION AT 54 CLIFF ROAD, WOODHOUSE, LEEDS LS6 2EZ</p> <p>To consider the report of the Chief Planning Officer on a retrospective application for a single storey rear extension to a property at 54 Cliff Road, Woodhouse. This application is now the subject of an appeal against non-determination</p> <p>(Report attached)</p>	125 - 130
15			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday 20th May 2010</p>	



Chief Executive's Department

Democratic Services

4th Floor West

Civic Hall

Leeds LS1 1UR

Contact: Helen Gray

Tel: 0113 247 4355

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Your reference:

Our reference: ppw/sitevisit/

7th April 2010

To:

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

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY 15TH APRIL 2010 AT 1.30 pm

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

- 1 11.15 am Application 08/06627/FU – Part three storey, part single storey side
on site extension with roof terraces at first floor and third floor levels – 20 Rockery
Road, Horsforth. (Horsforth ward) (meet at property if travelling
independently)
- 2 11.35 am Application 09/03653/FU – Retrospective application for single storey rear
on site extension at 54 Cliff Road, Woodhouse. (Hyde Park & Woodhouse ward)
(meet at property if travelling independently).

Return to Civic Hall at 12 noon approximately

A minibus will leave the Civic Hall at 11.00 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 10.55 am

Yours sincerely

Helen Gray
Governance Officer



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PLANS PANEL (WEST)

THURSDAY, 18TH MARCH, 2010

PRESENT: Councillor C Campbell in the Chair

Councillors A Castle, B Chastney,
M Coulson, J Harper, T Leadley,
J Matthews and L Yeadon

93 Declarations of Interest

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

Councillors Campbell and Leadley – Application No. 09/05353/FU – Demolition of existing Care home buildings and erection of replacement part 2, part 3 and part 4 storey building at former Victoria Nursing Home site Kirkstall Lane, Headingley – declared a personal interest as a Local Authority appointed Member of West Yorkshire Integrated Passenger Transport Authority. Metro having requested a contribution towards enhancement of a bus stop on Kirkstall Lane. (Minute No.99 refers)

Councillors Castle – Application No. 09/05353/FU – Demolition of existing Care home buildings and erection of replacement part 2, part 3 and part 4 storey building at former Victoria Nursing Home site Kirkstall Lane, Headingley – declared a personal interest as a Member of the Leeds Civic Trust who had objected to the proposal (Minute No. 99 refers)

94 Apologies for Absence

Apologies for absence were received from Councillor Robinson

95 Minutes

RESOLVED – That the minutes of the meeting held on 18th February 2010 were accepted as a true and correct record

96 Application 09/05619/FU - Change of Use of Shop to Letting Agents Office, 8 Royal Park Road, Woodhouse, Leeds LS6 1HW

Plans and photographs of the site and streetscene were displayed at the meeting along with architects drawings. Members had visited the site prior to the meeting.

Officers highlighted the planning history of the site. It was reported that the property was in a rundown condition, having not been occupied for some considerable time and was the only commercial unit at the end of a row of

Draft minutes to be approved at the meeting
to be held on Thursday, 15th April, 2010

terrace houses. The proposed use as a Lettings Office (Financial Services use) was considered no more harmful in amenity terms than a shop as the use would operate only during standard office hours and not cause significant disturbance to local residents. However, it was acknowledged that a large number of Letting Agencies already operated within the Hyde Park/Woodhouse area.

The Panel heard representations from Dr Richard Tyler from the Leeds HMO Lobby. Dr Tyler stated that there were already too many Letting Agencies in the locality and that the provision of a further A2 office unit would have a cumulative and negative impact on the locality. There was already adequate accommodation within the area and to increase the number of Letting Agencies would be contrary to PPS-1 Delivering Sustainable Development

Members then heard from Mr Lee Gibson the applicant. Mr Gibson said that the proposal was to establish a Lettings Agency at the Royal Park Road site. The unit had not been used for approximately 20 years, the property was in a state of disrepair and the intention was to refurbish and use the premises as a letting agency for his own and other properties.

Responding to a question from Councillor Matthews about car parking provision, Mr Gibson said that very few visitors were expected at the Lettings Office, the vast majority of the meetings with clients took place at the property to be let. The only available parking was on street parking

Commenting on the parking provision Highway Officers requested if an additional condition could be included to prevent parking on the small forecourt to the front of the premises.

Officers reported that subject to planning approval, the unauthorised roller shutters would be removed from the premises

RESOLVED – That the application be granted subject to the conditions specified in the submitted report with the inclusion of two additional conditions to ensure that:

- Motor vehicles are physically prevented from being able to park on the small forecourt area to the front of the premises fronting onto Royal Park Road
- The unauthorised roller shutters to two windows and doorway are removed

97 Application 10/00114/FU - Change of Use of vacant Shop Units to Restaurant, Units 9 & 10, Headingley Arndale Centre, Otley Road, Headingley, Leeds LS6

Plans and photographs of the site and streetscene were displayed at the meeting along with architects drawings.

Officers highlighted the planning history of the site. It was reported that the site comprised of two vacant units within the Headingley Arndale Centre. Unit 10 was last occupied as a retail shop, unit 9 was last occupied for the purposes of Financial and professional Services. The proposal was for a restaurant, A3 use.

Officers reported that the proposed change of use was viewed as acceptable, the proposal would bring back into use two vacant units thereby increasing the vitality of the centre. It was further reported the applicant had expressed a willingness to accept a Personal Consent resulting in the Local Planning Authority being able to control any future changes to the unit.

Members sought further information on the car parking arrangements.

Officers reported that car parking would be provided by the Arndale Centre's existing public car park which was administered by the Arndale Centre

Members sought assurances that the car park would remain open during restaurant opening times and that pedestrian access to the car park would be adequately lit.

Members also sought clarification as to whether the proposed restaurant would provide a delivery services.

A representative from the applicant was in attendance at the meeting and confirmation was provided that the premises would not operate a delivery service

RESOLVED – That the application be granted subject to the conditions specified in the submitted report with the inclusion of four additional conditions to ensure that:

- A safe route is provided for Pedestrians from the car park to the premises at times when the internal route through the adjacent shop units is closed
- A litter management plan is provided
- No delivery service is provided as part of the restaurant use
- No external dining allowed

98 Application 10/00297/FU - Single Storey Rear Extension to proposed Restaurant, Units 9 & 10, Headingley Arndale Centre, Otley Road, Leeds LS6

Plans and photographs of the site and streetscene were displayed at the meeting along with architects drawings.

Officers reported that the proposal relates to the extension to the rear of the proposed restaurant (Application No. 10/00114/FU, Minute No. 97 above refers). The proposed extension would be 10.8m long, 4.5m wide and 7.6m

high and would provide a preparation and storage area to complement the restaurant use

RESOLVED – That the application be granted subject to the conditions specified in the submitted report

99 Application 09/05353/FU - Demolition of existing Care Home Buildings and erection of replacement part 2, part 3 & part 4 storey building, comprising 51 flats with communal facilities to provide Extra Care Facilities/Complex for the Elderly, former Victoria Nursing Home, Kirkstall Lane, Headingley, Leeds LS6

Plans and photographs of the site and streetscene were displayed at the meeting along with architects drawings. Members had visited the site prior to the meeting.

Officers highlighted the relevant planning history of the site. It was reported that the site had been the subject of two recent applications:

(P09/00134/FU/NW) had been withdrawn by the applicant because of the likelihood of refusal for a number of reason.

26/105/05/FU – Sought the construction 4 storey block of 45 flats with under-croft car park and 3 storey, 40 bed space nursing home. The application was refused under delegated powers because of it's height, scale and appearance which would adversely affect the character and appearance of the area and street scene in general. Massing and relationship to adjoining properties would appear over-intensive and over dominant and would adversely impact on the residential amenity of nearby occupiers.

Addressing the current proposal (Application 09/05353/FU). Officers reported that permission was being sought for the demolition of the existing care home buildings and erection of replacement part 2, part 3 and part 4 storey building, comprising 51 flats with communal facilities to provide extra care facilities/complex for the elderly at the former Victoria Nursing Home, Kirkstall Lane, Headingley.

It was the opinion of officers that the proposal was considered to present a positive addition to the street scene and the character of the area. The scale, massing design and appearance would make the building prominent within the street scene, but this was not considered detrimental to the visual amenity or harmful to the local character. The proposal was considered to be well designed and not likely to adversely affect the living conditions of neighbours through loss of light or loss of privacy or through over dominance. The massing of the building would not be apparent from the public areas due to the careful layout and design approach and the retention of the best trees on site combined with additional tree planting. The proposal would make use of previously developed land and was well connected to Headingley Town Centre and well served by a choice of public transport options. The proposal

was considered to comply with the relevant provisions of the development plan.

The Panel heard representations from Mr L Davison, a resident of the "Turnways" which was in close proximity to the proposed development. Mr Davison said there was no outright objection to the development, the continued C2 use was welcomed. What local residents would like to see was a smaller footprint. The existing building had a large garden, the officer's report referred to much of the garden area as brown field land, this was not accurate the land was greenspace. The proposed development would occupy much of the greenspace and building close to the boundaries would make the building too dominant and reduce sunlight to neighbouring properties. Mr Davison questioned if this was the right building to occupy this site.

The Panel then heard from Mr S Rigby representing the applicant. Mr Rigby said that extensive discussions/ negotiations had taken place with planning officers and the design put before Panel was considered to be sympathetic and in keeping with the street scene.

The Chair suggested the proposed development was very large, possibly too large, rising to 3 stories in some parts.

In responding Mr Rigby said the facility offered 24 hour care with the building being staffed accordingly. The development required adequate accommodation in order to make the proposal viable and this was reflected in the size of the development.

Members expressed concern that the design of the building had not fully explored sustainable issues (BREEAM). Also further details about the Travel Plan and what measures were been taken to promote reduction of car use was required.

Councillor Matthews asked if it would be possible to provide a "real time" bus information display in the communal block (extended from the nearby bus shelter)

Councillor Coulson said that the 3 storey elevation at the rear of the site and in close proximity to neighbouring bungalows was too high, was it possible a 2 storey elevation could be achieved

In summing up the Chair said that a number of issues had been raised by local residents and Panel Members which required further investigation. Would it be possible for officers and the applicant to give further consideration to the following matters:

- That the design of the building has fully taken account of sustainable issues (BREEAM)
- The impact of the 3 storey elevation facing on to the bungalows is too dominant and require a more coherent/ sympathetic design

- Further information is required to fully understand Travel Plan in relation to employees to ensure they are not parking in the near vicinity and walking to the site,
- provision of 'real time' bus information within the building
- Portcullis area needs better detailing such as continuation of string course and provision of shoulders to better identify arch
- ensure development is working towards city wide recycling targets.

RESOLVED – That the application be deferred for further discussions with the applicant to ensure design of building has fully taken account of sustainability issues (BREEAM). The elevation facing on to bungalows requires a more coherent/ sympathetic design and the 3 storey element is located too close to bungalows. Further information to fully understand the Travel Plan in relation to employees to ensure they are not parking in the near vicinity and walking to the site was required. Provision of 'real time' bus information within the building was required. The Portcullis area requires improved detailing such as continuation of string course and provision of shoulders to better identify the arch. The inclusion of an additional condition to ensure development is working towards city wide recycling targets.

100 Date and Time of Next Meeting

RESOLVED – To confirm the date and time of the next meeting as Thursday 15th April 2010 at 1.30pm



Originator: Lisa Hart

Tel: 0113 224 3890

Report of the Chief Planning Officer

Plans Panel West

Date: 15 April 2010

SUBJECT : REPORT ON RECENT APPEAL DECISIONS FOR HOUSEHOLDER APPLICATIONS FROM 1ST JULY 2009 TO 31ST MARCH 2010

Electoral Wards Affected:

All wards in Plans Panel West Area

As indicated

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

1.0 Introduction

- 1.1 The report is to provide information on the results of appeals decided within the Plans Panel (West) area for householder planning applications.
- 1.2 **In the 9 months from July 2009 to March 2010 there have been 32 decisions issued by the Planning Inspectorate in relation to householder applications – 20 appeals (62.5%) were dismissed and 10 allowed (31.2%) There has been 2 (6.3%) split decision .**

2.0 Policy and Guidance

- 2.1 Inspectors gave significant weight to policies GP5 and BD6 of the Unitary Development Plan which are relevant when determining householder applications.
- 2.2 Policy GP5 is a general policy which gives criteria that any new development needs to comply with. In relation to householder applications the part that is relevant states that development proposals should resolve detailed planning considerations (including access...landscaping and design) and proposals should seek to avoid ... loss of amenity.
- 2.3 Policy BD6 states that all extensions should respect the scale, form, detailing and materials of the original building.

- 2.4 Weight was also given to the Unitary Development Plan policies relating to Green Belt, Conservation Areas and the historic environment.
- 2.5 The relevant policies in the Unitary Development Plan (e.g. GP5 and BD6) are part of the current Development Plan. The Local Development Scheme proposes that the Local Development Framework will include a Householder Design Guide as a supplementary planning document. Work is continuing to complete the design guide for consultation in the near future.

A brief summary of each appeal decision is detailed below by Wards.

All but one of the decisions were made under delegated powers and that one was an appeal against non-determination at 123 Argie Ave, Leeds 4.

3.0 SUMMARY

ADEL AND WHARFEDALE

- 3.1 **Planning application 08/06801/FU – Lyndale, Old Pool Bank, Pool-in Wharfedale Leeds 21 (Adel and Wharfedale) Single storey side and rear extension**

Decision – Dismissed 1st July 2009

Key Issues

Harm to the Green Belt

The appeal site is a semi detached bungalow located on Old Pool Bank, which has dwellings on one side and agricultural land on the other. The original dwelling has already been extended and has a substantial detached garage built much later than the bungalow. The Council contended that the proposed extensions and the garage equated to an 82% increase above the size of the dwelling, neither the appellant nor the Inspector disputed this. The Inspector concluded that the proposed extensions would represent a very substantial increase in the size of the original dwelling and could not be argued to be limited in scale or proportionate to the original dwelling house. They would occupy an area that is currently undeveloped and therefore openness would be reduced. The extensions would be inappropriate development in the Green Belt.

- 3.2 **Planning application 09/02600/FU – 3 The Rowans, Bramhope, Leeds 16**
3.3 **(Adel and Wharfedale) Conservatory to side,**

Decision – Dismissed 25th September 2009

Key Issues

Effect on the character and appearance of the surrounding area

The Inspector noted that the appeal site lies on the corner of The Rowans and The Cedars within an estate of generally similar dwellings and that the estate has a green and spacious appearance. Most bungalows follow a regular building line, no 3 has a bay window that breaks the building line but not to a great degree, the proposed conservatory would replace the bay. At 3m deep it would occupy more than half the depth of the side garden and would be over 3m high. The Inspector considered that the conservatory would be unacceptably obtrusive in the

streetscene due to its projection, height and conspicuous position. It will harmfully impede the attractive views of nearby front gardens. He noted that landscaping would not adequately mitigate the intrusive nature of the conservatory. The Inspector shared the concerns of the Council regarding the roofline and how it linked to the existing dwelling, he thought that the detached apex of the roof would appear incongruous next to the simple roofline of the bungalow and the gap between the ridge of the conservatory and the side of the bungalow would serve to highlight the degree to which the extension would protrude into the street. He concluded that the conservatory would cause unacceptable harm to the character and appearance of the surrounding area.

**3.3 Planning application 09/00536/FU – 201 Adel Lane, Leeds Leeds 16
Two storey side and single storey rear extension (Adel and Wharfedale)**

Decision – Allowed 29th October 2009

Key issues

Effect on the appearance of the dwelling and the streetscene

The Inspector commented that the house is within a row of substantial detached houses which are neither widely spaced nor tightly packed. The appeal site is smaller than most of its neighbours and sits in a narrower plot. The proposal would take up almost all the plot width creating an almost continuous row linking 199, 201 and 203 Adel Lane. However he considered this would be very similar to that permitted at 191 Adel Lane and its neighbours to the south. In the overall visual context, the appeal proposal would not be significantly detrimental to the streetscene. The extended house would be very different from the existing. The changes are so great that the new design should be considered on its own terms. There is existing variety in the streetscene and a very similar design at 191 Adel Lane. He recognised that there would be some impact on neighbouring properties but not to a significant degree. He noted that the Council had not objected to the proposal on the grounds of effect on amenity of neighbours. The Inspector concluded that the changes are not harmful to the appearance of the original property nor neighbouring properties. He considered that the proposal complied with GP5 and BD6 policies of the UDP.

**3.4 Planning application 09/02778/FU – High Mede, Quarry Farm Road, Pool in Wharfedale Leeds 21 (Adel and Wharfedale)
Side extension to form enlarged porch and roof alterations to form 2 dormers to front elevation**

Decision – Allowed 24th November 2009

Key issue

Harm to the Green Belt

The Inspector noted that the appeal dwelling is a semi detached bungalow set in a line of dwelling facing open fields on the opposite side of Quarry Farm Road. The site is located in the Green Belt. He noted that the Council viewed 'limited extensions' as an increase of 50% and this proposal would when added to previous extension equate to 70% additions. The Inspector noted that policy GB8 of the UDP allowed extensions that did not exceed the original dwelling. He considered that this

conflicted with our suggestion that 50% was more appropriate. He decided to reach his decision based on more general guidance given in PPG2. He noted that the appellant did not agree with the City Council's volume calculations. The appellant claimed that the porch replaces an existing one and should not be included within the volume of the extensions. The Inspector took the view that although larger it was a like for like replacement. He did not think that it was a disproportionate addition to the dwelling. The additional volume of the dormers would be small and do not affect the footprint of the dwelling, they do not represent disproportionate additional volume to the dwelling. He thought the additions would have little impact on the openness of the Green Belt. The Inspector concluded that when added to the existing extension, the extensions are proportionate to the original volume of the dwelling.

NOTE: The Inspector referred to the deleted policy GB8 in coming to his conclusions. The policy was not sent to the Inspectorate in the Council's papers and it is unclear where he got it. Officers discussed the decision and decided that due to its fairly minor nature it was not one to challenge further.

3.5 Planning application 09/05398/FU – 64 Cookridge Avenue Leeds Leeds 16 (Adel and Wharfedale) Two storey extension to the front and a two storey extension and single storey extension to the rear

Decision – Split 1st February 2010

Dismissed - Two storey extension and single storey extension to the rear

Allowed - Two storey front extension

Key issues

Effect on the character and appearance of the house and the living conditions of adjoining occupiers.

Cookridge Avenue is lined with houses and bungalows mainly built in the 20th century. The appeal house is an older stone cottage which although it has been extended to the side and has replacement windows had retained its character. The Inspector thought it distinctive and enhanced the character of the area. He thought that the front extension given its size and scale would be subservient to the main house and that it was not uncommon for old stone cottages to have modest gabled projections. He did not think that the front extension would be unduly discordant. The Inspector thought that the rear extension was unduly large and dominated the rear of the house and would undermine the unassuming character of the house. He did not raise any objections to the single storey rear element but recognized that it could not be constructed independently.

Turning to the impact on living conditions of adjoining occupiers, the Inspector noted that the adjoining dwelling is a bungalow and which is less than 0.5 metres from the mutual boundary. The main door is on the side and faces the appeal site. The Inspector thought that the side entrance area of no.62 would not be used as living or recreational space and therefore the extension would not cause an unacceptable loss of outlook. The two storey rear extension would face an obscurely glazed side window at no. 62, also there is a conservatory to the rear of no. 62 that is set in from the side. The Inspector did not think that the rear extension would have an unacceptable visual impact on no. 62, nor would there any unacceptable loss of sunlight due to the orientation of the houses. The Inspector concluded that there would not be any unacceptable harm to the living conditions of the adjoining occupiers.

CALVERLEY AND FARSLEY

- 3.6 Planning application 09/00469/FU- 25 Low Bank Street Farsley Leeds 28 (Calverley and Farsley)
Dormer to front of dwelling**

Decision – Dismissed 18th August 2009

Key issues

Effect on character and appearance of the existing dwelling Character and appearance of Farsley Conservation Area

The Inspector noted that the appeal site was a modest house located in a terrace which steps down a hillside. Although the dormer would be inset from all boundaries its proportions and flat roofed design would appear excessively large and overbearing in relation to the host dwelling. It would be a highly visible feature in the streetscene and would interrupt the stepped pattern of the roofscape, which is a characteristic of the Conservation Area. The appeal proposal would have an adverse impact on the host dwelling and would fail to preserve or enhance the character and appearance of the Conservation Area.

- 3.7 Planning application 09/01449/FU – 29 Bagley Lane Farsley, Leeds 28 (Calverley and Farsley) Erection of a conservatory**

Decision – Dismissed 27th August 2009

Key issues

Effect on character and appearance of the host and its immediate surroundings

Effect on the living conditions of adjoining occupiers

The Inspector observed that the host was a detached two storey dwelling set well back on a prominent corner site at the junction of Bagley Lane and Kirklees Drive. The conservatory would be attached to the side of the dwelling adjacent to Kirklees Drive. Although sizeable, the Inspector felt that it would not dominate the existing dwelling. It would however breach the distinct building line on Kirklees Drive reducing the open plan character of the property frontages and would impose on the streetscene to an unacceptable degree. The conservatory would introduce a large and relatively unrelieved expanse of walling in close proximity to the living room window of 2 Kirklees Drive, it would be an overbearing structure that would diminish the neighbours outlook and lead to a reduction in daylight and sunlight. He concluded that the conservatory would cause unacceptable harm to the living conditions of the adjoining occupier.

- 3.8 Planning application 09/02154/FU – 74 Woodhall Road, Calverley, Leeds 28 (Calverley and Farsley) First floor side extension**

Decision – Dismissed 26th October 2009

Key issues

Effect on the character and appearance of the area

The Inspector noted that through amendments the appellants had, during the application stage, tried to produce an acceptable scheme. This part of Woodhall Road is made up of semi detached pairs separated at first floor level by substantial gaps. The extension had been set back from the frontage to reduce the visual impact from Woodhall Road. This reduces the terracing effect but does not address the unbalancing of the pair of semi detached houses which in turn would have an impact on the rhythm and pattern of the streetscene. He noted that there were changes in level on this part of the street but this proposal would reduce the gap with the next door property and have a jarring effect on the symmetry of nos. 74 and 72.

3.9 Planning application 09/03285/FU – 4 Springbank Avenue, Farsley Leeds 28 (Calverley and Farsley) Dormers to front and rear

Decision – Dismissed 24th November 2009

Key Issues

Effect on the character and appearance of the property and surrounding area

The Inspector noted that the site was located in a street of semi detached bungalows which are generally symmetrical and have uniform appearance. Front dormers have been added to a number of the dwellings and these are prominent and stand out. Where only one of the pair has a dormer it substantially unbalances the pair of houses. In this case the Inspector noted that the attached bungalow had a dormer to the front, however the appeal proposal would not restore the equilibrium of the two. The Inspector considered that the proposal would in fact worsen matters due to the proportions and materials proposed. He thought that the dormer would dominate the roofline and its prominence would draw attention to the unbalance between the two dwellings. He noted that the rear dormer would not be readily visible in the streetscene and considered it to be an acceptable form of development.

FARNLEY AND WORTLEY

3.10 Planning application 08/06729/FU – 24 Kirkdale Mount, Wortley Leeds 12 (Farnley and Wortley) Two storey side and single storey rear extension

Decision – Allowed 7th July 2009

Key issues

Effect on character and appearance of the dwelling and the area

Effect of the extension on the living conditions of adjoining occupiers

The Inspector noted that the existing garage does not blend in well with the existing house. The proposed extension would be set back at first floor, have a lower ridge line and thus be subservient, it would respect the form and design of the existing house and would enhance the character and appearance of the streetscene. Given that there is an oblique relationship between 24 and 26, the latter being set at a higher level, he commented that the closing of the gap between the two houses would have no significant impact on the streetscene. Given the spatial relationship between the two houses and the fact that the rearmost part of the extension would be single storey, he concluded that there would be no significant effect on the living conditions of the occupiers of no. 26.

3.11 Planning application 09/00475/FU – Four Winds, Whitehall Road, Leeds 12 (Farnley and Wortley) Two storey rear extension and increase in roof height of dwelling

Decision – Dismissed 19th August 2009

Key issues

Harm to the Green Belt

Effect on character and appearance of the dwelling and the area

Any special circumstances .

The Inspector gave little weight to the Council's 50% volume increase generally allowed for extensions as it was not an adopted policy in the development plan. The dwelling had already been extended by 82% before the proposed two storey extension. Given the cumulative increases the Inspector commented that this latest addition was disproportionate to the original house. The raised roof height and additional mass would reduce the openness of the Green Belt. The Inspector thought that the scale and bulk of the development would appear unsympathetic, being over dominant and obtrusive. The appellant had offered to remove some existing structures from the site to reduce down the overall volume of the increases, however the Inspector felt that they did not outweigh the harm to the Green Belt.

**3.12 Planning application 09/02372/FU – 22 Stradbroke Way, Leeds 12 (Farnley and Wortley)
Ground floor extension to gable**

Decision – Dismissed 24th November 2009

Key Issues

Effect on character and appearance of the dwelling and the area

The Inspector considered that the extension would be subservient and in sympathy to other houses on the estate. However the extension would significantly increase the size of the dwelling and would leave the dwelling with very little outdoor amenity space affecting the character of the dwelling and the enjoyment of existing and future occupiers. The appeal dwelling is in a prominent part of Stradbroke Way and views of the garden are available from the adjacent public highway, the extension would remove a large part of this space and would have a significant impact on the streetscene.

3.13 Planning applications 09/02960/FU - 2 Standard Villas, 323 Whitehall Road, Leeds 12 (Farnley and Wortley) Permission for a detached garage and car port to the rear without complying with a condition: The garage(s)/car port(s) shall be used only for the storage of private motor vehicles and those purposes incidental to the enjoyment of the dwelling house.

Decision – Allowed 3rd December 2009

Key issues

Whether the condition is reasonable and necessary to protect the living conditions of adjacent dwellings

The Inspector noted that the appeal building consists of a relatively large single storey rendered structure with a low mono-pitched roof, it has garage doors on the north elevation and there are light industrial buildings (on a small industrial estate) close to the side and rear. The Inspector thought that the use of building as living accommodation would not create any additional noise compared with its use for parking and manouvering. A condition could be imposed to control windows facing no. 325. A further planning application would be needed in order for it to be used as a separate dwelling. The Inspector concluded that the existing condition was neither reasonable or necessary to protect the living conditions of the occupiers of adjacent dwellings.

GUISELEY AND RAWDON

3.14 Planning application 09/02898/FU – 20 Silverdale Drive Guiseley, Leeds 20 (Guiseley and Rawdon) First floor side extension

Decision – Dismissed 12th February 2010

Key issues

Effect on character and appearance of the dwelling and the area

The Inspector observed that the site was a two storey detached dwelling occupying an elevated position on the western inside curve of Silverdale Drive. The front and north side elevations are visible from the highway. The Inspector noted that behind the flat roofed garage was a two storey gable ended feature. At present there is a pleasing degree of both physical and visual separation between the appeal site and next door no. 18. Clearly defined front gables are an attractive feature of the streetscene. The proposal would bring the side extension flush with the existing frontage and would incorporate both gable ended and pitched roofs. It would look ungainly and bulky and the separation with no 18 would be lost. There could be an awkward junction of new and existing materials. The resulting double gable on the side elevation would be clearly visible and a visually intrusive feature.

3.15 Planning application 09/03471/FU – 71 Westgate, Tranmere Park, Guiseley, Leeds 20 (Guiseley and Rawdon) First floor side extension

Decision – Dismissed 10 February 2010

Key issues

Effect on the appearance of the streetscene

The Inspector commented that this part of Tranmere Park is characterised by large, mainly two storey houses set on generous plots where there are generous gaps between buildings, particularly at first floor level. This creates a distinctive sense of spaciousness which enhances the quality of the area. The proposed first floor extension would fill a significant portion of the gap between the appeal site and next door. This would compromise the prevailing spaciousness in the area, to the detriment of the area's character. The Inspector looked at other side extensions in the area at the request of the appellant but he considered that these illustrated the adverse effect that such extensions had on the spacious nature of the estate.

**3.16 Planning application 09/03150/FU – 21 Shaw Lane Gardens, Guiseley, Leeds 20 (Guiseley and Rawdon)
Dormer extension to rear**

Decision – Dismissed 1st February 2010

Key issues

Effect on the appearance of the dwelling and the streetscene

The Inspector noted that the appeal house is a detached two storey property with a pitched roof. At the rear the eaves are low, and the first floor accommodation is in the roof space with two dormers. The proposal was to replace the dormers with a larger structure adding another two levels of accommodation. It would span the full width of the house and have a pitched roof, the apex of which would rise above the ridge of the original house and which could be seen from the street. The Inspector considered that the structure would be overly large for the dwelling, appearing top heavy and incongruous in appearance and would detract from the appearance of the dwelling. The part of the roof that would be visible from the front would be a prominent and alien feature and would detract from the appearance of the streetscene as well as the house itself.

**3.17 Planning application 09/03159/FU – 25 Westway, Tranmere Park, Guiseley, Leeds 20 (Guiseley and Rawdon)
Single storey detached garage to front of site**

Decision – Dismissed 1 December 2009.

Key issues

Effect on the appearance of the dwelling and the streetscene

The Inspector noted that the appeal house is on land higher than the adjacent highway and the house at no.23. It is set back from the road behind a sloping frontage including a driveway and grassed embankment. The area is characterised by detached houses set back from the road on spacious plots. The proposed garage would have a plain design and a flat roof. The Inspector considered that the garage would be an incongruous addition which would harm the character and appearance of the original building, which has a pitched roof. The garage would project within 2 metres of the edge of the road, which is relatively narrow with no separate footways. The garage roof would be level with the top of the steps to the house entrance and a blank wall would face the road above the top of the embankment. It would appear dominant and overbearing from the adjacent road and there would be insufficient space for planting to mitigate that impact. The adjacent house has a garage to the front but it is significantly different from the appeal proposal particularly with regards to its relative location further from the road and its design. The Inspector concluded the garage would harm the spacious character and appearance of the surrounding area.

**3.18 Planning application 09/02599/FU – 13 Crow Trees Park, Rawdon, Leeds 19
(Guiseley and Rawdon)
Single storey detached garage to front of site**

Decision – Split 16 October 2009.

Allowed – porch

Dismissed - conservatory

Key issues

Effect on the appearance of the dwelling and the streetscene

The Inspector noted that the conservatory would be positioned on the front of the semi-detached dwelling, projecting 3 metres and being 3 metres wide. Given its size the Inspector commented that it would affect a significant portion of the frontage of the house, severely disrupting the front elevation of the building. The use of UPVC would contrast markedly with the traditional brick and render of the existing house. He concluded it would be a discordant feature that would cause significant harm to the principal elevation of the building. As the frontage of the dwelling is easily seen from the roadside, the Inspector concluded that there would be harm to the appearance of the locality. The Council had raised no objections to the porch as it would be positioned unobtrusively to the rear of the building, the Inspector agreed with this and allowed that part of the application.

**3.19 Planning application 09/02072/FU – 8 Bransdale Avenue Guiseley, Leeds 20
(Guiseley and Rawdon)
First floor side extension**

Decision – Allowed 13 October 2009

Key issues

Effect on the appearance of the dwelling and the streetscene

Impact on adjoining occupiers

The appeal site is a detached two storey house in a cul de sac containing a mix of detached, semi detached and bungalows. The Inspector commented that it was spaciouly laid out but had no strong character or local distinctiveness. The Inspector was satisfied that an adequate visual gap between nos. 8 and 10 would be retained, at 3 metres which would allow views beyond. The Inspector accepted that this gap would be lost if no 10 contemplated a similar extension but such a proposal would be judged on its merits at a future date. He thought that the extension would not appear as a prominent or obtrusive feature in the streetscene and would harmonise with the host dwelling. Turning to the living conditions of the adjoining occupiers, the Inspector thought that the extension would only partially obscure the outlook form a side facing kitchen window of the adjoining house, other windows on the side are small and serve landing areas. The impact on outlook would be marginal and not to an unacceptable level. The Inspector did note that there would be some loss of sunlight to the side kitchen window but did not feel that there would be an unacceptable loss as the room benefited from a rear facing window.

3.20 Planning application 09/02021/FU – 18 Old Hollins Hill, Guiseley, Leeds 20 (Guiseley and Rawdon)

Extension of bungalow to form two storey house with Juliet balconies to front and rear, terraced area to front, replacement rear porch and velux windows to front and back.

Decision – Allowed 20 August 2009

Key issues

Effect on the appearance of the dwelling and the streetscene

Impact on adjoining occupiers

The dwellings along Old Hollins Hill are of various styles, including bungalows, two storey houses, detached and semi detached all differing in scale, mass, height and roof pitch. The street slopes from south to north and ridge heights step down but uniformly. Nos. 16, 18 and 20 are all bungalows of significantly different designs. No. 20 is of greater bulk than the other two. Despite the increase in scale, mass and height, the Inspector did not consider that the resulting dwelling would be out of keeping with its surroundings and its design would blend in with neighbouring properties. The Inspector thought that the proposal would in fact improve the appearance of the existing dwelling which he described as ‘unremarkable and not particularly attractive’. Turning to the living conditions of no 16, this house is set at a lower level than the appeal site and has no side windows. Outlook from the dwelling would not be affected. Outlook from a side and rear garden would be affected due to the increased walling and significant projection beyond the rear elevation of no. 16. The development would be 2m from the common boundary and existing boundary treatment would offer some relief and partial screening. There would be some loss of light as no. 18 is positioned to the south of 16. The Inspector thought that this would be limited given the height of existing boundary treatment. He noted that no 16 has planning permission for a double garage within the side garden area. The Inspector concluded that the effect on outlook and light loss to the garden was not sufficient to justify dismissing the appeal.

3.21 Planning application 09/01086/FU – 5 Southway, Guiseley, Leeds 20 (Guiseley and Rawdon)

Single storey porch to the front

Decision – Dismissed 10 August 2009

Key issues

Effect on the appearance of the streetscene

The appeal site forms half of the only semi detached houses in this short street. The existing front elevations of the pair of houses appear symmetrical and due to the projection of the porch this symmetry would be unbalanced to a significant degree. The porch would also be prominent in the streetscene because that part of the dwelling is already closer to the road and the extension would bring it closer still.

3.22 Planning application 09/04846/FU – 14 Ridge Close, Guiseley, Leeds 20 (Guiseley and Rawdon)
Retrospective application for garden gate and supporting wall

Decision – Dismissed 22 July 2009

Key issues

Effect on the appearance of the streetscene

The Inspector commented that this part of Tranmere Park is characterized by large, mainly two storey houses set on generous plots enhanced by mature landscaping. Frontage treatment varies but most are defined by foliage, including hedges, shrubs, trees and open grassed areas. They collectively form a most attractive and verdant environment. The wall extends part way across the frontage of the appeal site and is set back 2 metres from the carriageway. It is built of randomly coursed stone with stone copings and metal electronically operated gates. The Inspector commented that the stone matched the plinths of many of the houses in the locality and the use of stone was not out of keeping with the area. The Inspector thought the wall a highly prominent feature and its significant height renders it a dominant and discordant structure incompatible with the prevailing openness. The Inspector thought that as the wall was only visible from localised viewpoints it did not harm the wider locality. He acknowledged that the wall together with a lower adjoining mesh fencing may well deter trespass but he could see no justification for the height of the wall and gate to achieve this objective.

3.23 Planning application 09/02177/FU – Holly Lodge, Underwood Drive, Rawdon, Leeds 19 (Guiseley and Rawdon)
Two storey front extension; two storey rear extension; and part two storey part single storey side extension with roof terrace at first floor, over lower ground floor extension with ground floor level patios

Decision – Dismissed 1st October 2009

Key issues

Harm to the Green Belt

Impact on a tree subject to a Tree Preservation Order

Effect on the character and appearance of Rawdon - Cragg Wood Conservation Area

The appeal site is a detached house located within the Green Belt. The dwelling already has the benefit of extensions greater than 50% of its original volume. The appellants did not contradict this. This proposal would take that figure over 100% additions. The proposals would transform a modest two bedroomed house to a very spacious four bedroomed one. The extensions would subsume the original dwelling. The Inspector considered that the scale and size of the extensions would not be limited and would represent disproportionate additions and as such inappropriate development in the Green Belt. The enlarged footprint and bulk would have a harmful impact on the openness of the Green Belt. A substantial mature oak tree protected by a TPO stands in the NW corner of the site. It makes an important contribution to the sylvan character of the area. Part of the scheme would be within 1m of the trunk, much of the extension would fall within the crown spread of the tree. The Inspector considers that there would be a strong probability of damage to the roots of the tree and there could be future pressure to have the tree removed.

Given all the above the Inspector concluded that the proposal would detract from the character and appearance of the Conservation Area.

HORSFORTH

3.24 Planning application 09/00669/FU – 123 Low Lane Horsforth, Leeds 18 (Horsforth) Dormer window to front

Decision – Allowed 30th September 2009

Key issues

Impact on the appearance of the streetscene

The appeal site is an end of terrace, two storey dwelling fronting a busy road. The area consists of mixed residential development. The proposed dormer would be of conventional design and align with ground and first floor windows. It would be finished in slate to match the main roof of the house. The structure will be visible from Low Lane. Views from the east and west would be restricted by existing structures. There are no dormers on this side of the terrace but as the main roofs of the houses are already breached by two storey wings there is not a discernible rhythm that would be spoilt by the proposal. The dormer would be small in scale and not an incongruous feature in the streetscene.

HYDE PARK AND WOODHOUSE

3.25 Planning application 08/06336/FU – 21 Hartley Crescent, Woodhouse, Leeds 6 (Hyde Park and Woodhouse) Addition of a third storey

Decision – Dismissed 23 October 2009

Key issues

Impact on the appearance of the dwelling and the streetscene

Effect on the living conditions of neighbouring residents

The area is characterised by substantial terraced properties and more modest dwellings. The appeal property falls into the latter category alongside a larger terraced house. The Inspector commented that the extension would significantly change the appearance of the host by adding a 'large and ungainly top floor' that fails to respect the character of the dwelling and dominate its neighbours. The site lies within the 'Area of Housing Mix', the proposal would increase the bed spaces from 4 to 6 and provide enlarged kitchen facilities. The Inspector considered that the increased activity levels would not be sufficient to materially harm the living conditions of neighbouring residents. The Inspector expressed concern that he did not have any data before him to establish whether houses were occupied by students or families and could not determine whether the scheme would result in an imbalance in housing stock.

NOTE: Officers are now working closely with the Community Planner for the area to provide housing information when making decisions.

KIRKSTALL

- 3.26 Planning application 08/05805/FU – 123 Argie Avenue, Kirkstall, Leeds 4 (Kirkstall) Two storey side extension, dormer window to rear, raised balcony to rear, two Juliet balconies to rear.**

Decision – Dismissed 19 August 2009

Key issues

Failure to determine the proposal within the statutory time period

Impact on the appearance of the dwelling and the streetscene

Effect on the living conditions of neighbouring residents

The Council had indicated to the Inspector that they would have refused the application on amenity grounds had the appeal not been lodged. 123 Argie Ave is a semi detached house that occupies a prominent and elevated site in a mixed residential area. Due to level changes the proposed extension would appear as two storeys at the front and three storeys when viewed from the rear. The balconies and dormer window to the rear would give rise to a cluttered rear elevation with little symmetry. However, the Inspector noted a variety of window and door openings in the vicinity and given this context, the Inspector considered that the appeal proposal would not be out of character. He noted that a side extension of a similar scale was approved in 2006. A rear Juliet balcony would be close to a large window of no. 125 Argie Ave which serves a bedroom. The Inspector thought it possible that oblique views at relatively close quarters could be achieved compromising the occupiers' privacy. Local concerns had been raised regarding the other balconies, the Inspector noted other rear balconies which overlook adjoining properties and concluded that the appeal proposal would not further diminish neighbours privacy to any great degree. The Inspector thought this a finely balanced case. He found that in favour of the proposal in terms of impact on character and appearance and in the main no material harm to neighbours living conditions, however the harm caused by loss of privacy due to the proximity of the Juliet balcony rendered the proposal unacceptable.

- 3.27 Planning application 08/04206/FU – 2 Abbeydale Way, Kirkstall, Leeds 4 (Kirkstall) Detached garage**

Decision – Allowed 16 December 2009

Key issues

Impact on the appearance of the streetscene

Effect on the amenity space serving 2 Abbeydale Way

The garage would be located on a raised area of land close to the bungalow but separate from it. The orientation of the garage is such that its ridge would be at 90 degrees to that of the bungalow. The Inspector considered that although the bungalow had already been extended the combined massing would not appear excessive. The Inspector noted that the remaining amenity space would be limited but the area on which the garage would be located is separated by a difference in levels and makes no meaningful contribution to the amenity space for the dwelling. The Inspector concluded that the garage would not result in an overdevelopment of the property nor compromise the character and appearance of the area.

PUDSEY

3.28 Planning application 09/01662/FU – 6 Priestley Close, Pudsey, Leeds 28 (Pudsey) Dormer to front and enlarged dormer to the rear

Decision – Dismissed 9 October 2009

Key issues

Impact on the appearance of the streetscene

The Inspector noted that the front dormer would occupy a large proportion of the roof plane and would be too large in relation to the dwelling. It was proposed only a minimal amount down from the ridge which would add to the impression of a dominant element on the front elevation. The house is on a very prominent plot in the streetscene and would cause significant harm to the appearance of the area. The Inspector considered that the impact of the rear dormer would be far less than the one at the front. The Inspector noted other dormers in the area but none were a precedent to allow this proposal to succeed.

3.29 Planning application 09/01721/FU – 21 Westroyd Gardens, Pudsey, Leeds 28 (Pudsey) Single storey rear extension

Decision – Allowed 24th November 2009

Key issues

Impact on the living conditions of the adjoining occupiers through overlooking

The extension would be to the rear of the appellants semi detached house and itself would not give rise to any significant issues affecting neighbouring properties. The main area of concern is the proposed use of the roof as a terrace balcony. Due to its elevated position users of the balcony could see directly into the rear area of the adjoining house (no.23). The Inspector noted that there was already a degree of overlooking at ground level as the boundary fence is very low. The area to the rear of no 23 is surfaced in tarmac and links to the driveway to give access to the lower ground floor garage. The Inspector felt that this area was designed for vehicular use with the main garden further away. A more oblique and therefore less sensitive view of this area would be available from the proposed terrace. He concluded that the proposal would not give rise to any significant harm to the living conditions of the occupiers of no 23 due to overlooking.

3.30 Planning application 09/02487/FU – 8 Sunnyridge Avenue, Pudsey, Leeds 28 (Pudsey) Part two storey, part single storey side and rear extension

Decision – Dismissed 24 November 2009

Key issues

Impact on the character and appearance of the dwelling and the streetscene Effect on the living conditions of the occupiers of a nearby house

The Inspector noted that the appeal site and surroundings formed a largely uniform pattern of semi detached houses separated by driveways. He thought that the general layout of the street was not such a strong characteristic to preclude the

extension. Its design included a set back at first floor level and a set down from the ridge, it was subservient to the main house which would remain the dominant feature on the site. He commented that the extension would not have any significant adverse impact on the character and appearance of the dwelling or street scene. Turning to the impact on the living conditions of the neighbouring house (no 10), the side elevation would present a very substantial two storey wall when viewed from the kitchen window of no 10, the rear element would also be particularly dominant. The separation distances between the two houses would be significantly reduced and the distance that remains would not overcome the overbearing effect on the adjoining house.

3.31 Planning application 09/03445/FU – 72 Owlcotes Road, Pudsey, Leeds 28 (Pudsey) First floor rear extension (resubmission)

Decision – Dismissed 15th December 2009

Key issues

Impact on the character and appearance of the dwelling and the streetscene

The Inspector accepted that the original character of the bungalow had been eroded by previous roof extensions. He also noted that the roof to the rear is prominent along Owlcotes Road. The proposal would have a flat roof extending almost at ridge height for the full length (5.7m) of an existing ground floor extension. The Inspector concluded that the extension would be a jarring feature and would be readily visible from Owlcotes Road to the detriment of the dwelling and the character and appearance of the area.

OTLEY AND YEADON

3.32 Planning application 09/01563/FU – 126 Harrogate Road, Yeadon, Leeds 19 (Otley and Yeadon) First floor rear extension

Decision – Allowed 24 September 2009

Key issues

Impact on the character and appearance of the dwelling and the streetscene

The proposal was for a gabled pitched roofed first floor extension to an end of terrace, stone built house. The Inspector noted the concerns of the Council in respect of the long, blank flank wall close to the public footpath but commented that in part it existed already albeit with a flat roof. In removing the flat roof the Inspector considered that there would be an overall improvement in the character and appearance of the property. The extension would appear subservient and would not be a strident or intrusive feature when viewed from the nearby public footpath.

4.0 GENERAL TRENDS

4.1 Inspectors add great weight to the character of an area, including gaps between buildings and the relationships of dwellings with one another.

4.2 50% additions in the Green Belt seen as an acceptable benchmark for proportionate extensions in the Green Belt

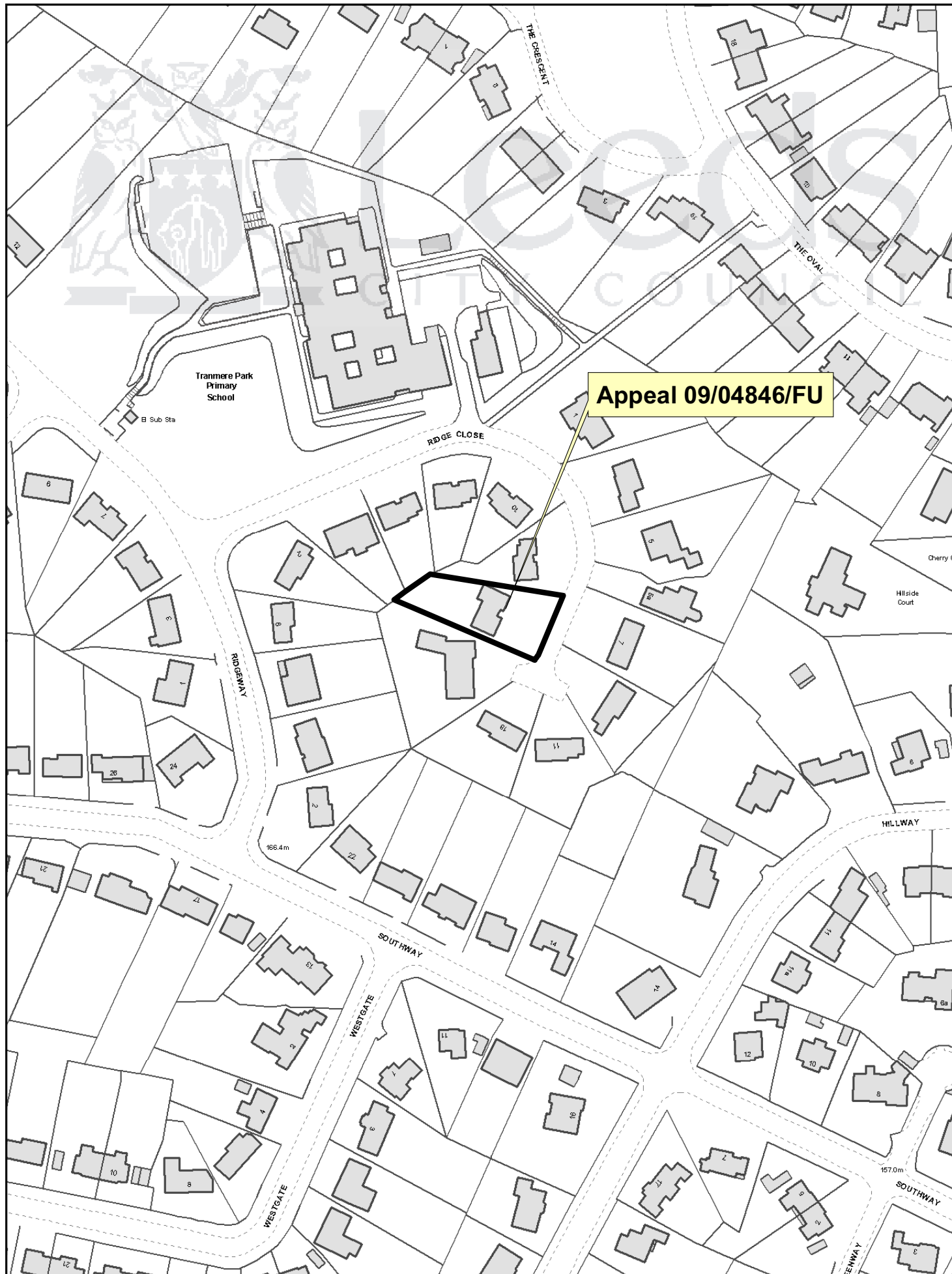
4.3 More evidence required in reports in respect of:

- i) loss of sunlight and daylight
- ii) Area of Housing Mix

- 4.4 Dormers not acceptable on unbroken roofscapes despite others in the wider streetscene
- 4.5 Given the subjective nature of planning, Inspectors do not always agree with Officers in terms of design. Two Inspectors could look at similar appeals and come to differing conclusions. When Officers read Inspector's decisions, it is sometimes difficult to understand how the outcomes are reached.

5.0 CONCLUSIONS

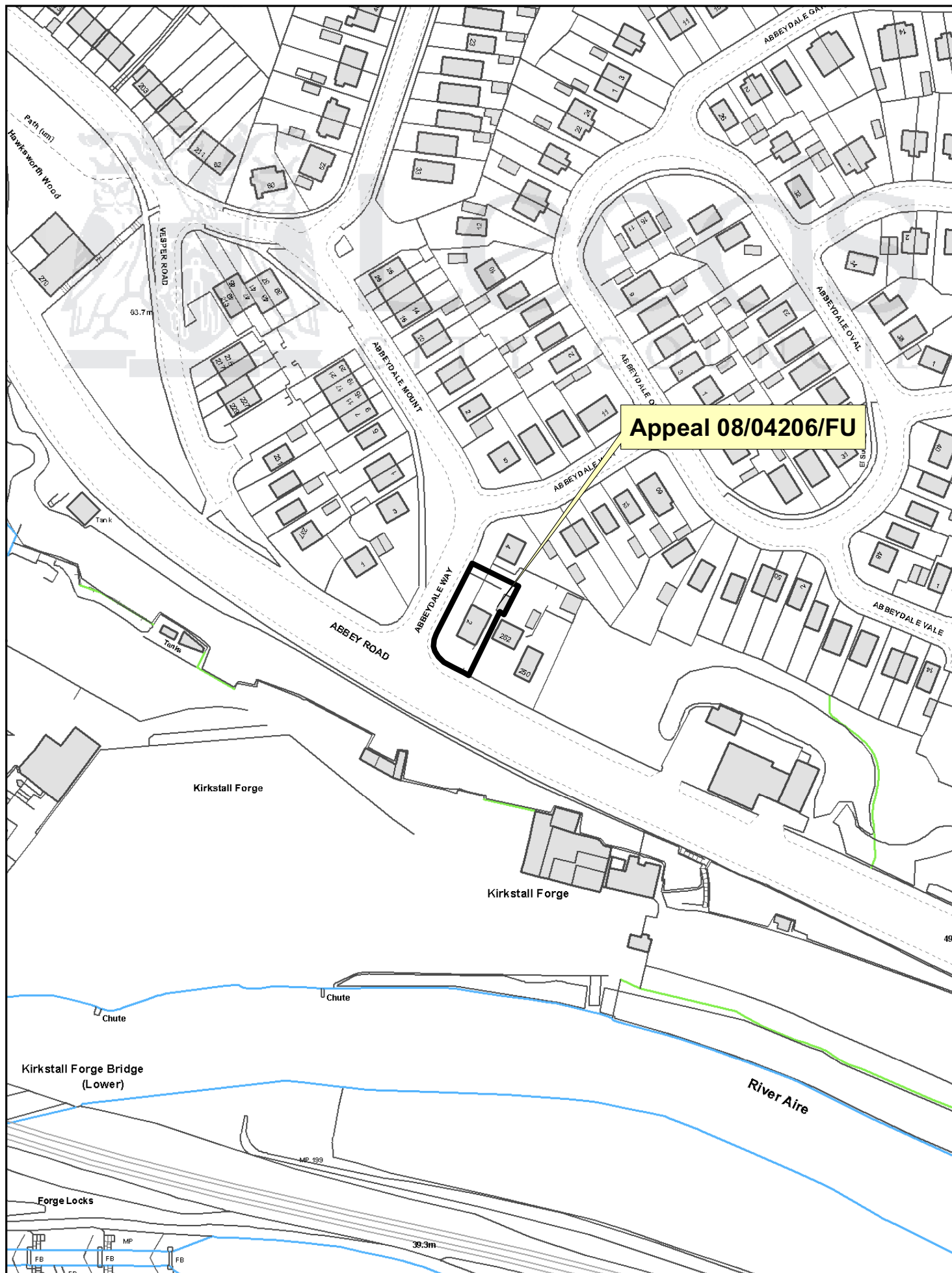
- 5.1 During the last six months there has been a notable increase in the numbers of appeals, this has been most noticeable in Householder East team.. It is possible that this is due to the introduction of the householder electronic fast track appeal system which has simplified the process and reduced the amount of paperwork required to be submitted by all parties as part of the appeal process.
- 5.2 It is noted that appeal performance has dipped from 73% to 64% of dismissed appeals. Officers are of the opinion that there have been a couple of rogue decisions made by the Inspectors in this time. Notwithstanding this Officers will keep a close eye on those allowed appeals and see if a trend is emerging. Team Leaders of the Householder teams have already prepared a report on all allowed appeals for the Head of Planning Services which examines all those decisions to see what lessons can be learnt.
- 5.3 There are a number of good decisions particularly in relation to two storey side extensions where the resulting development would close gaps between properties. Similarly decisions based on large extensions in the Green Belt continue to be consistently dismissed. For many of the decisions great importance has been placed by Inspectors on the local character of areas in reaching their conclusions.



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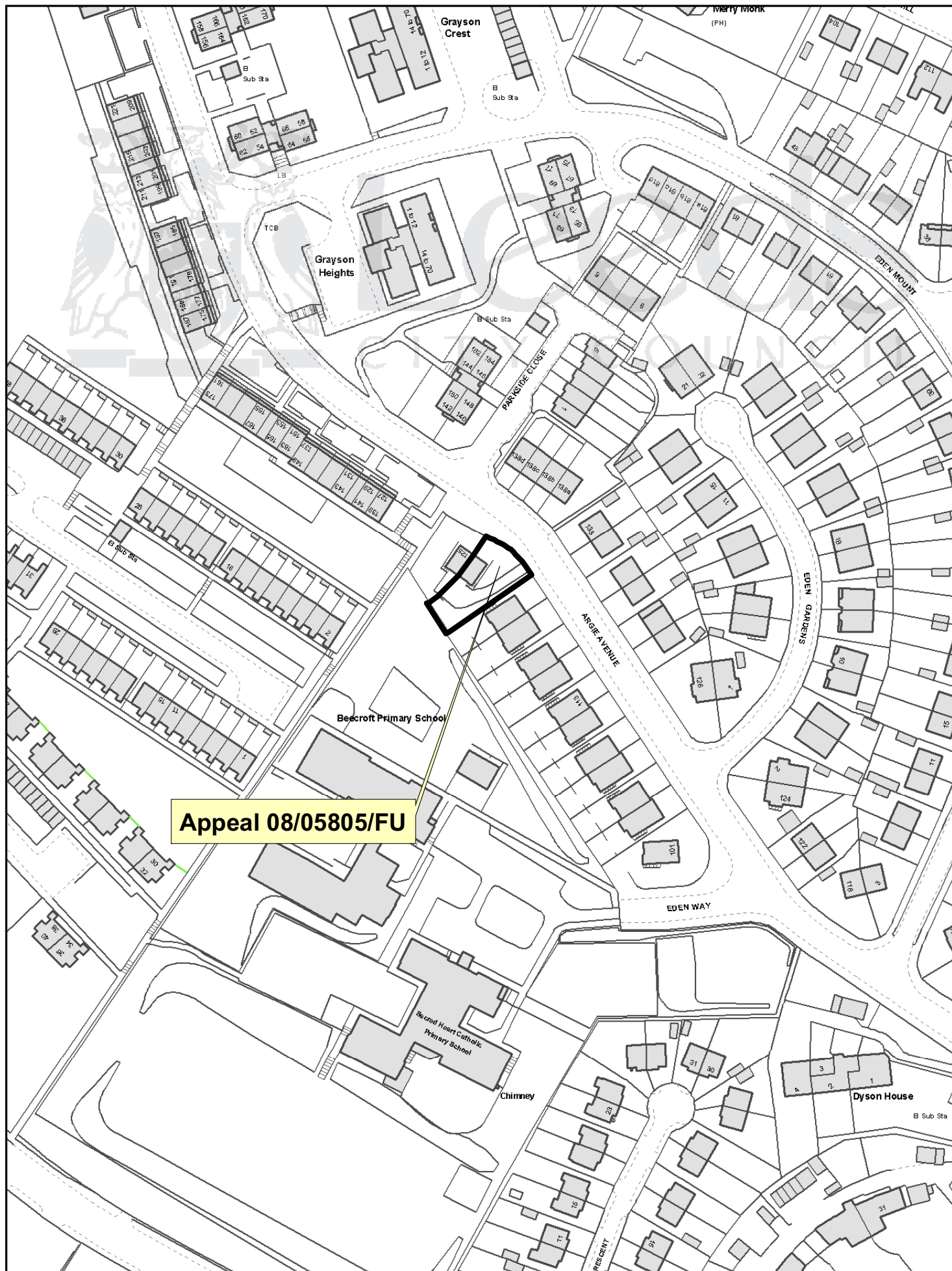


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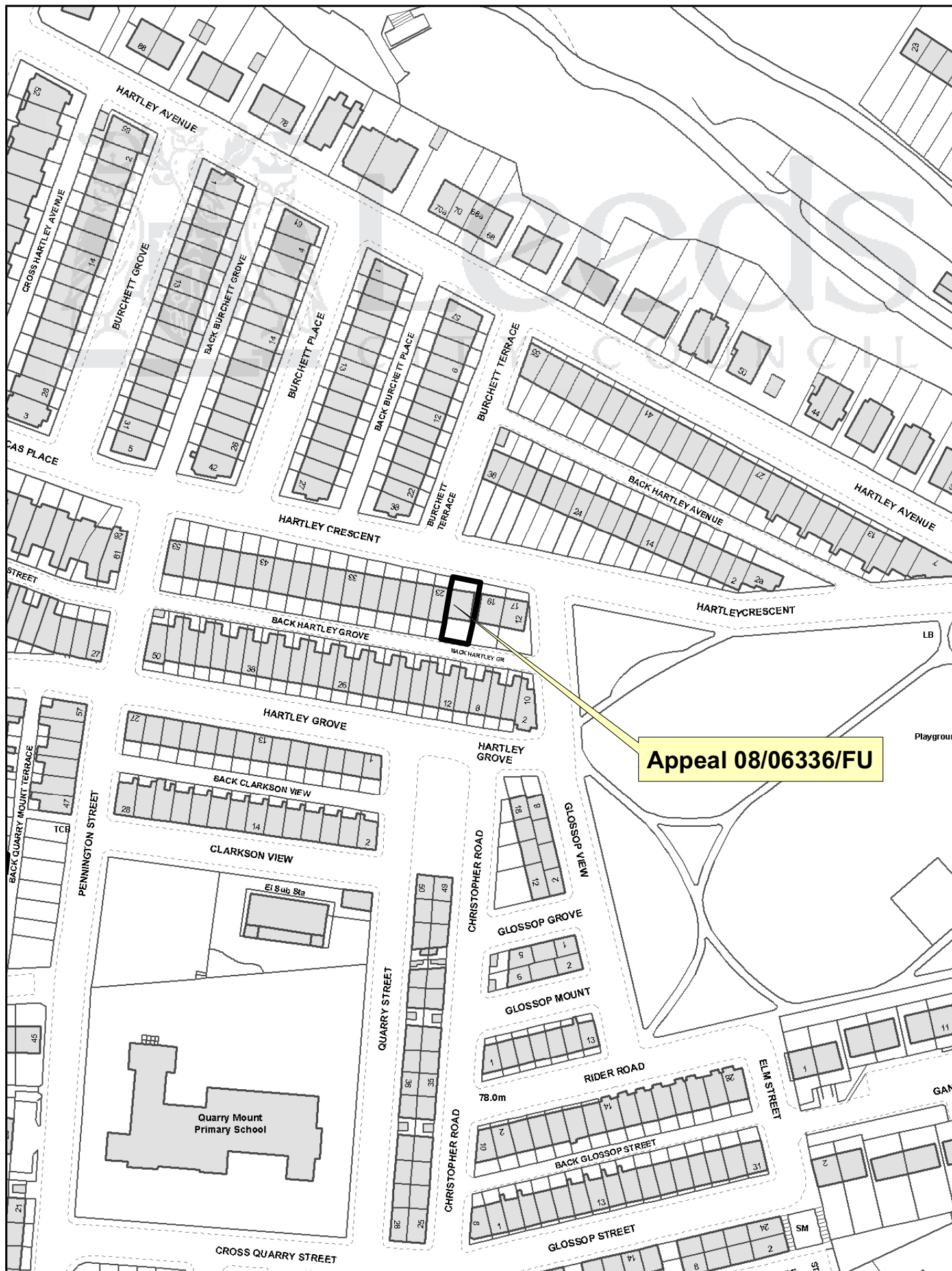




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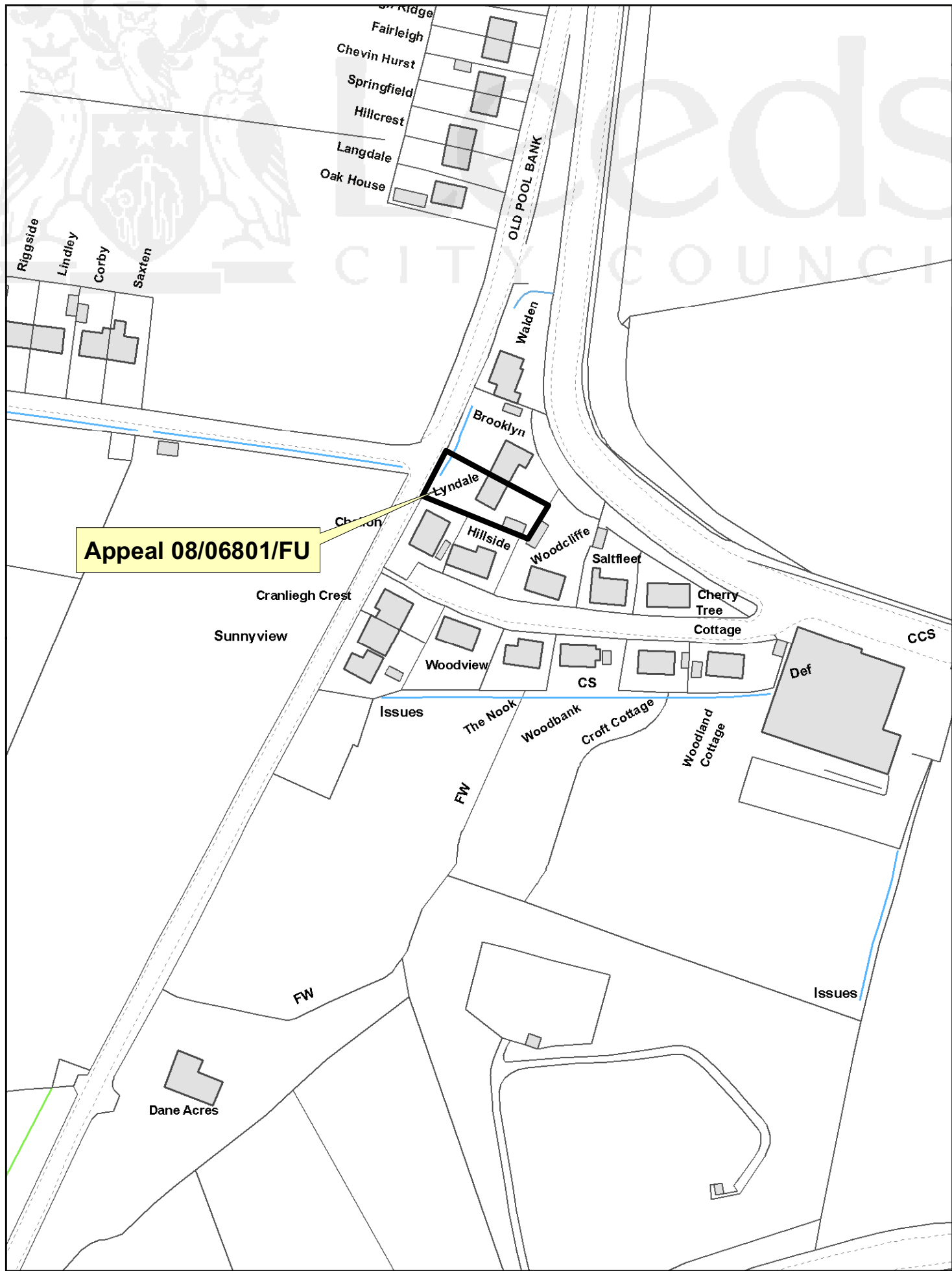


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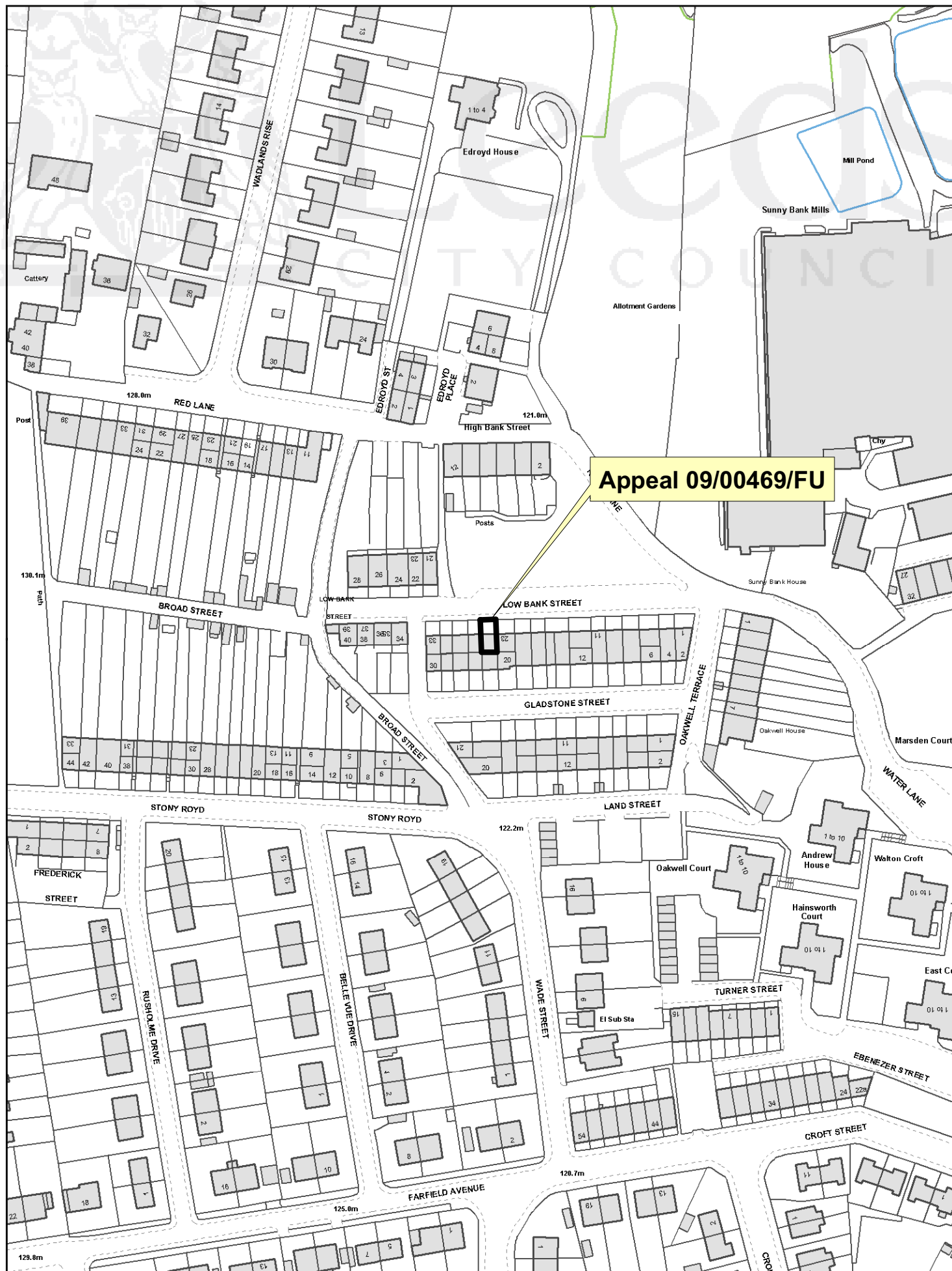
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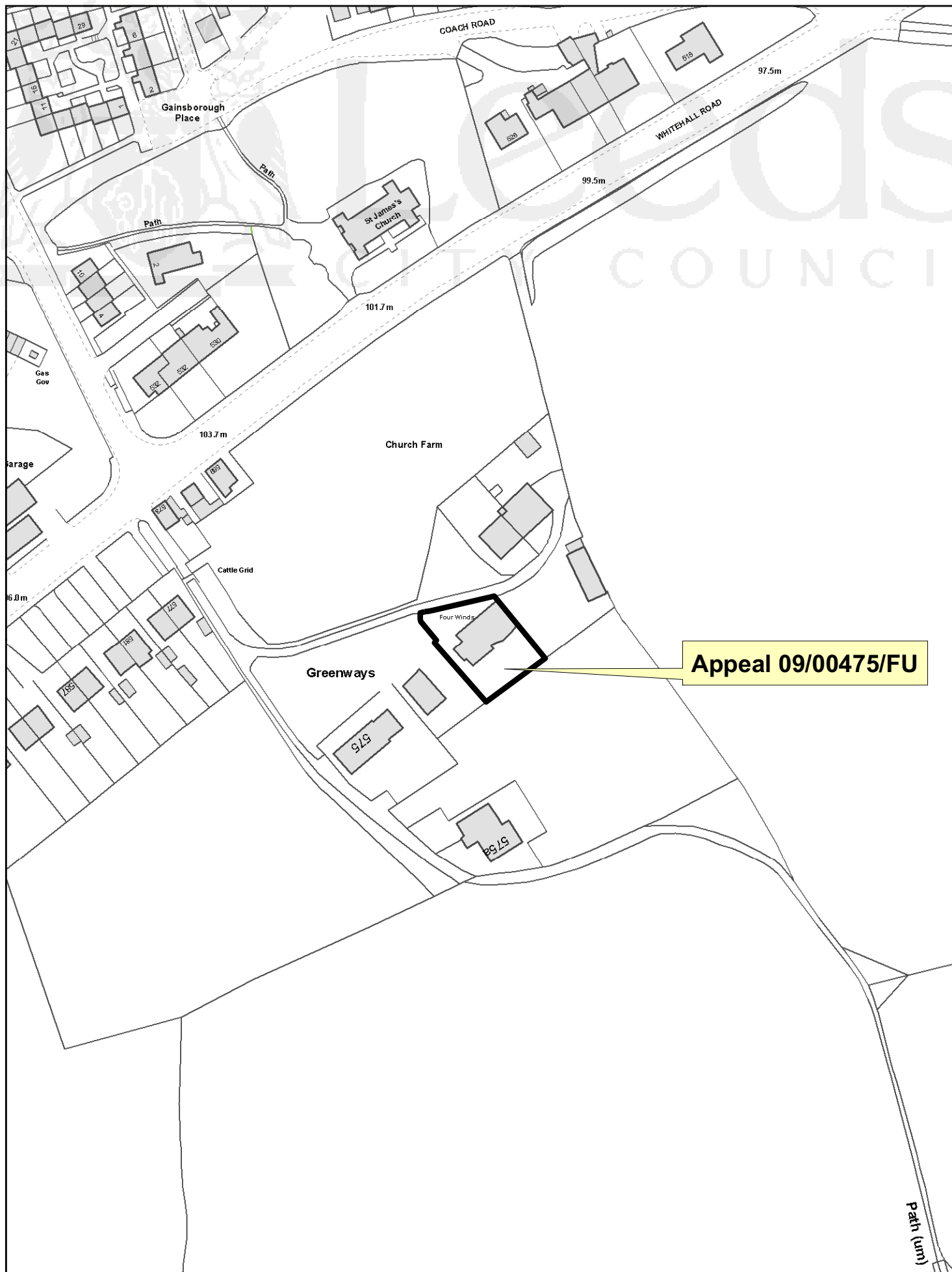
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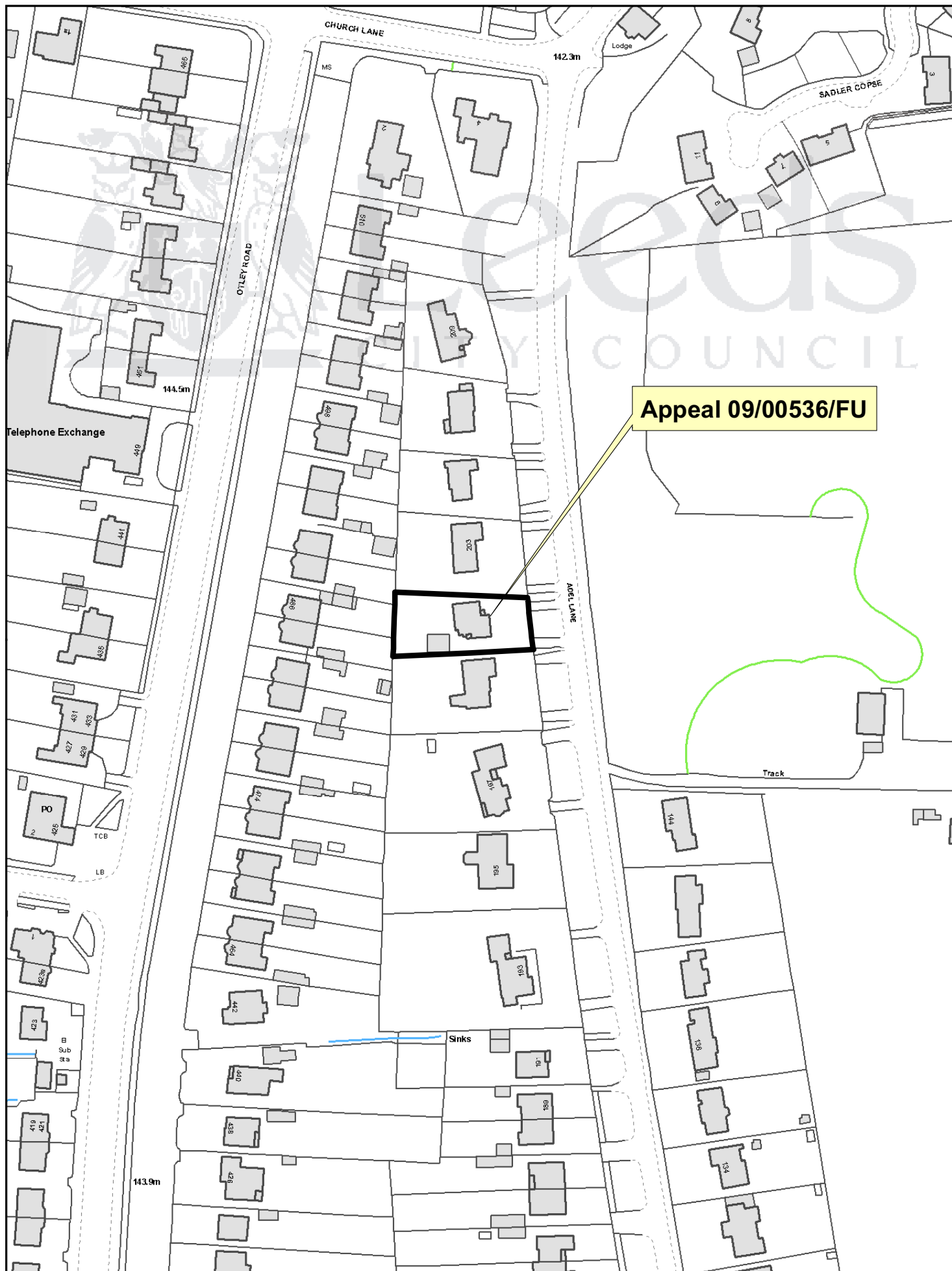
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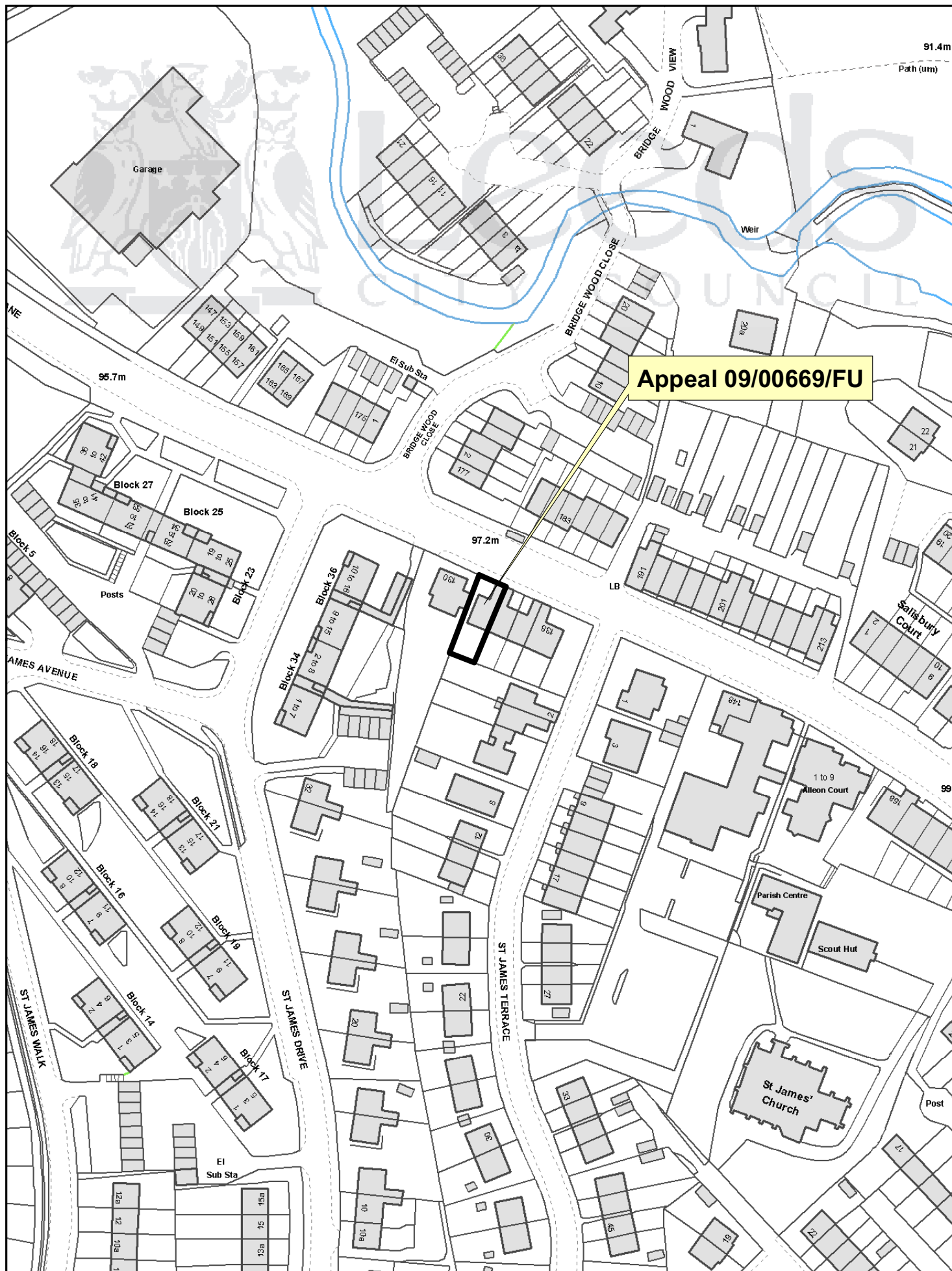


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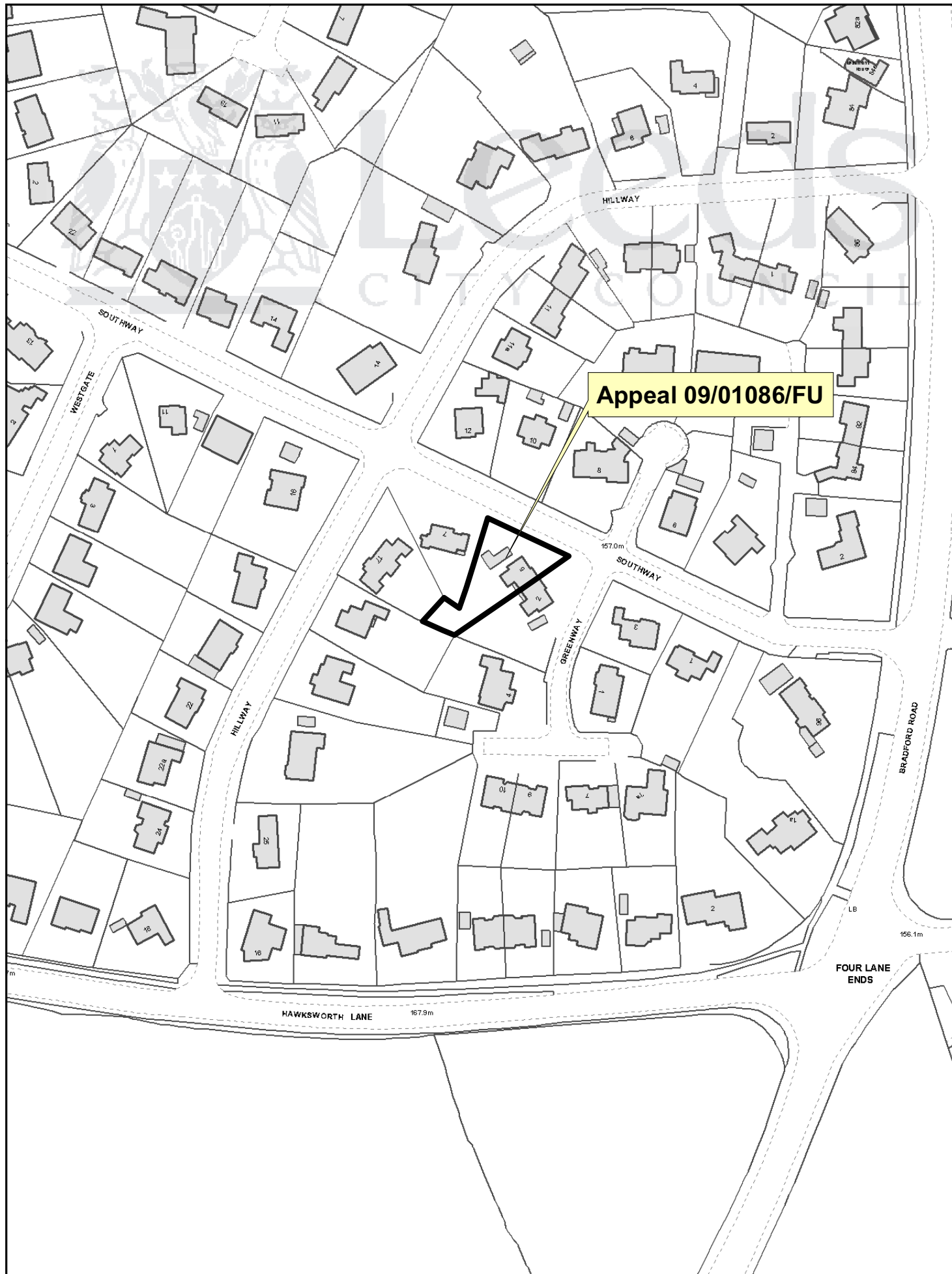
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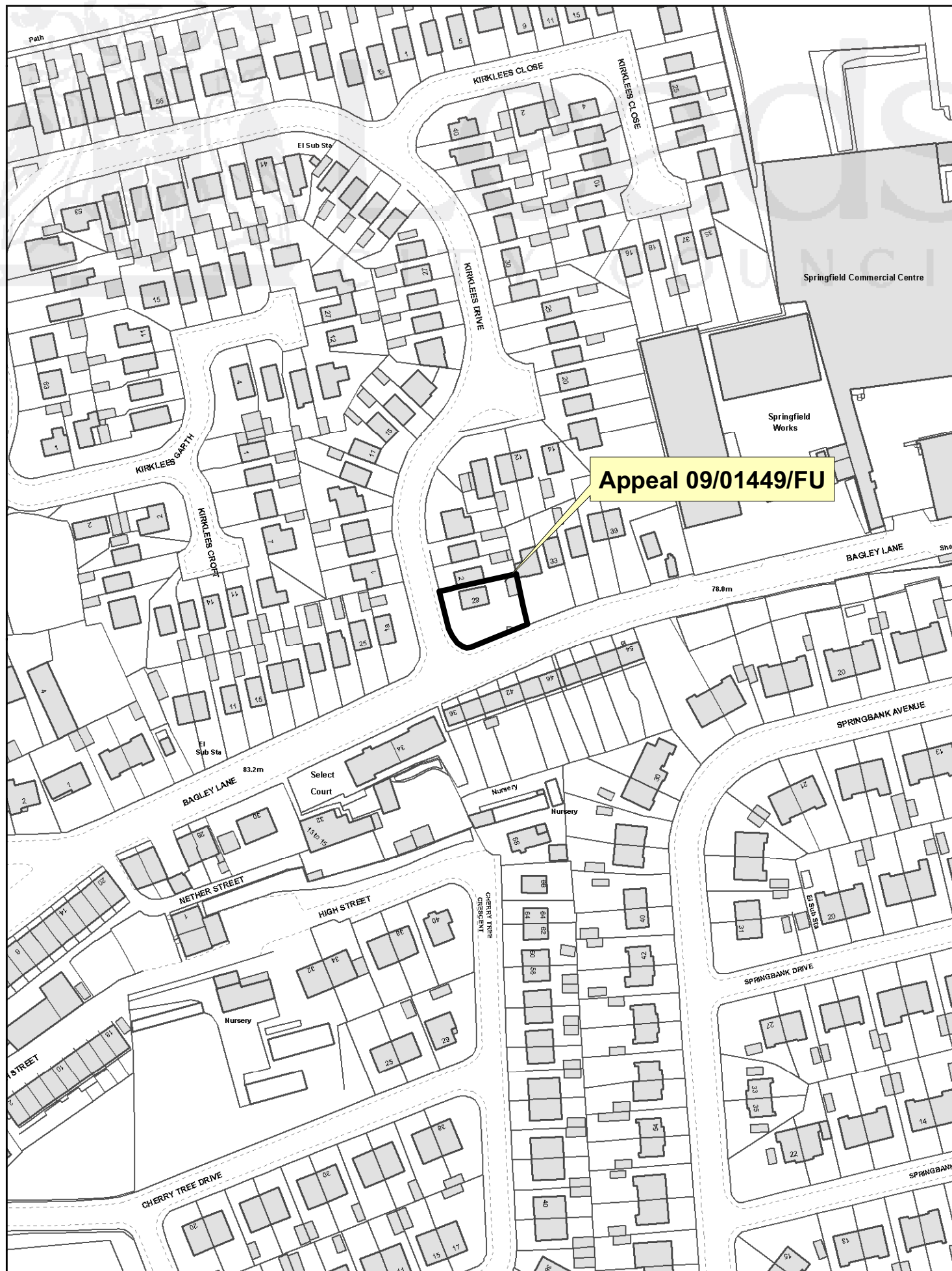
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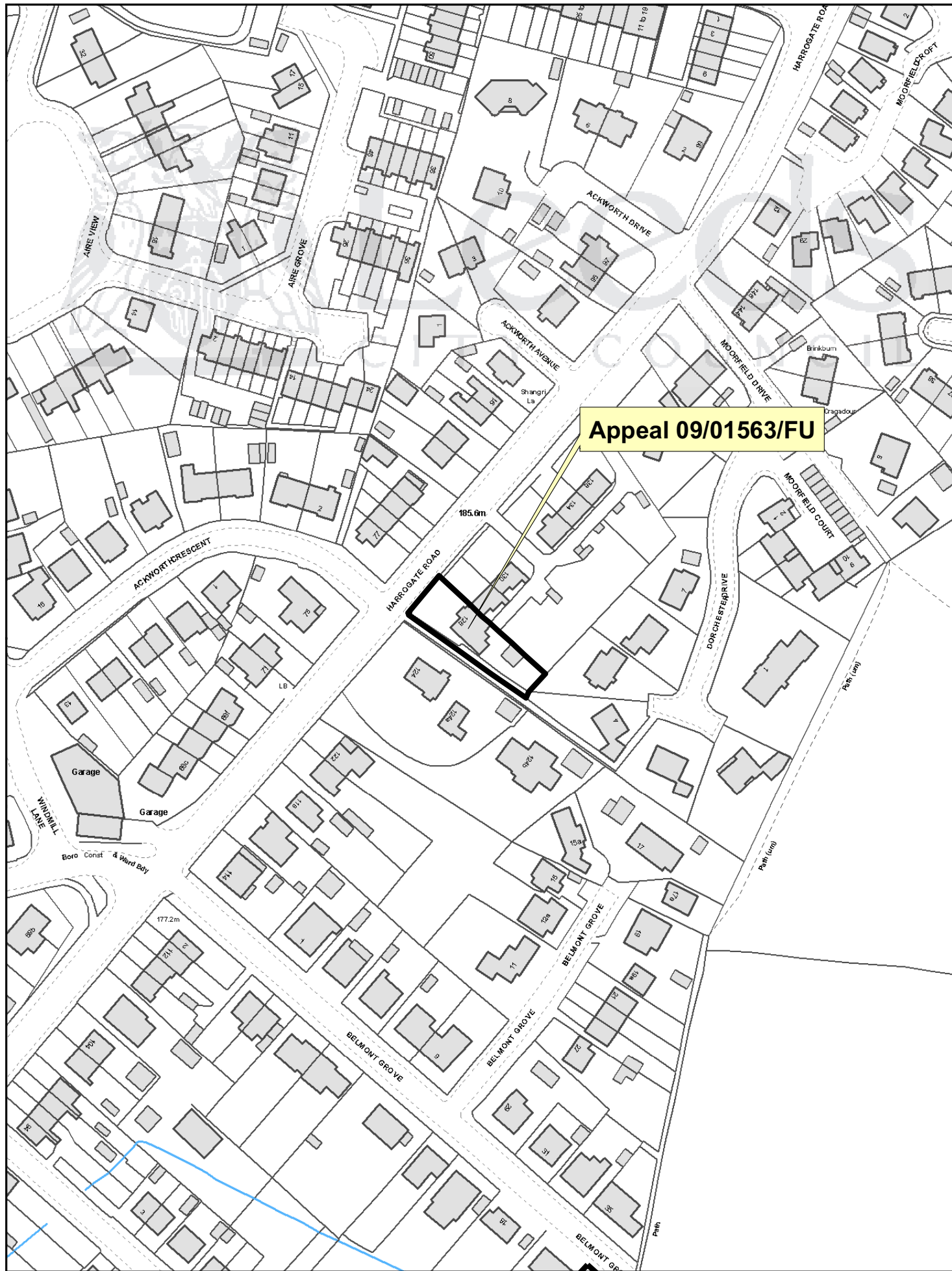


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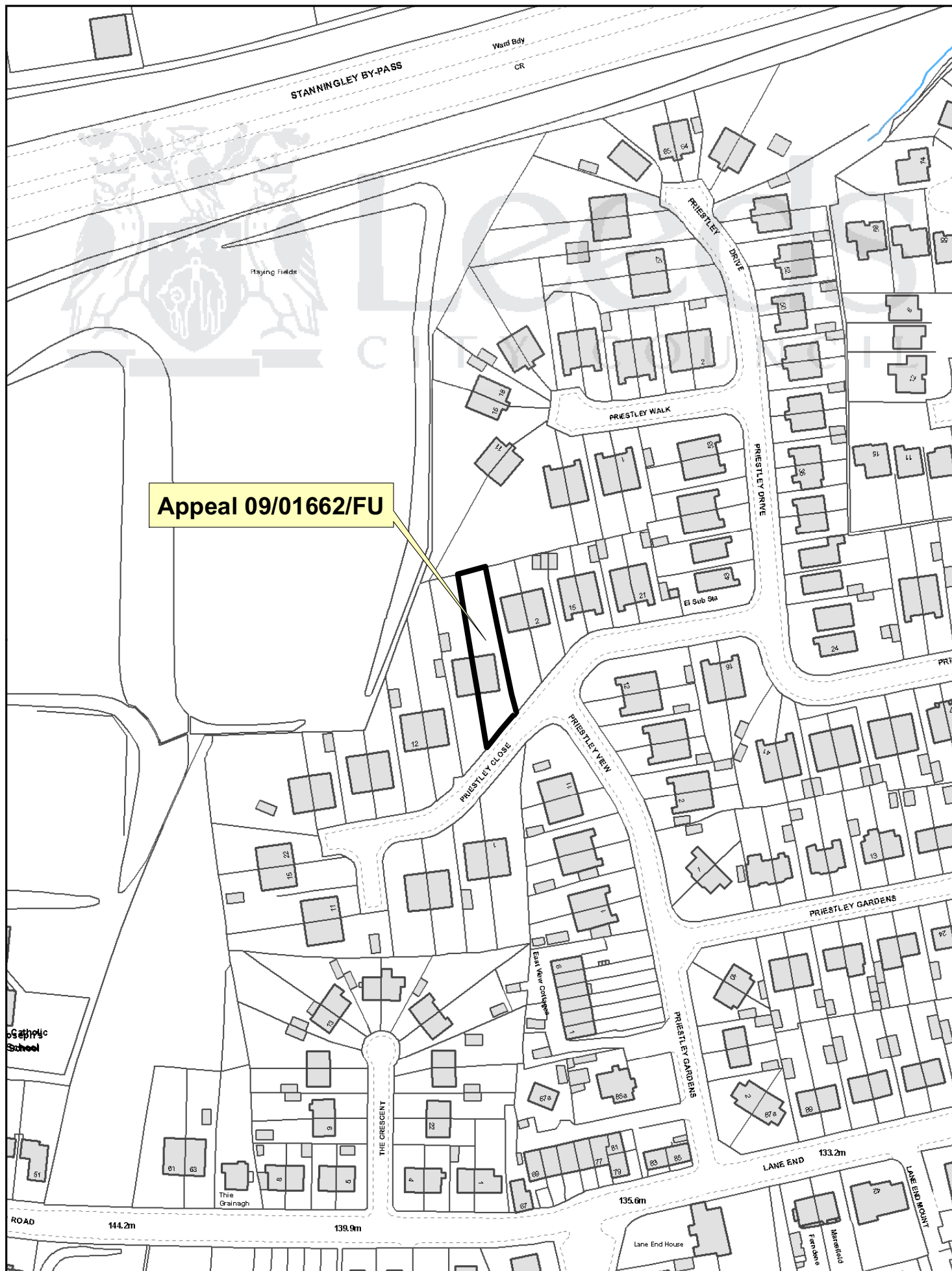
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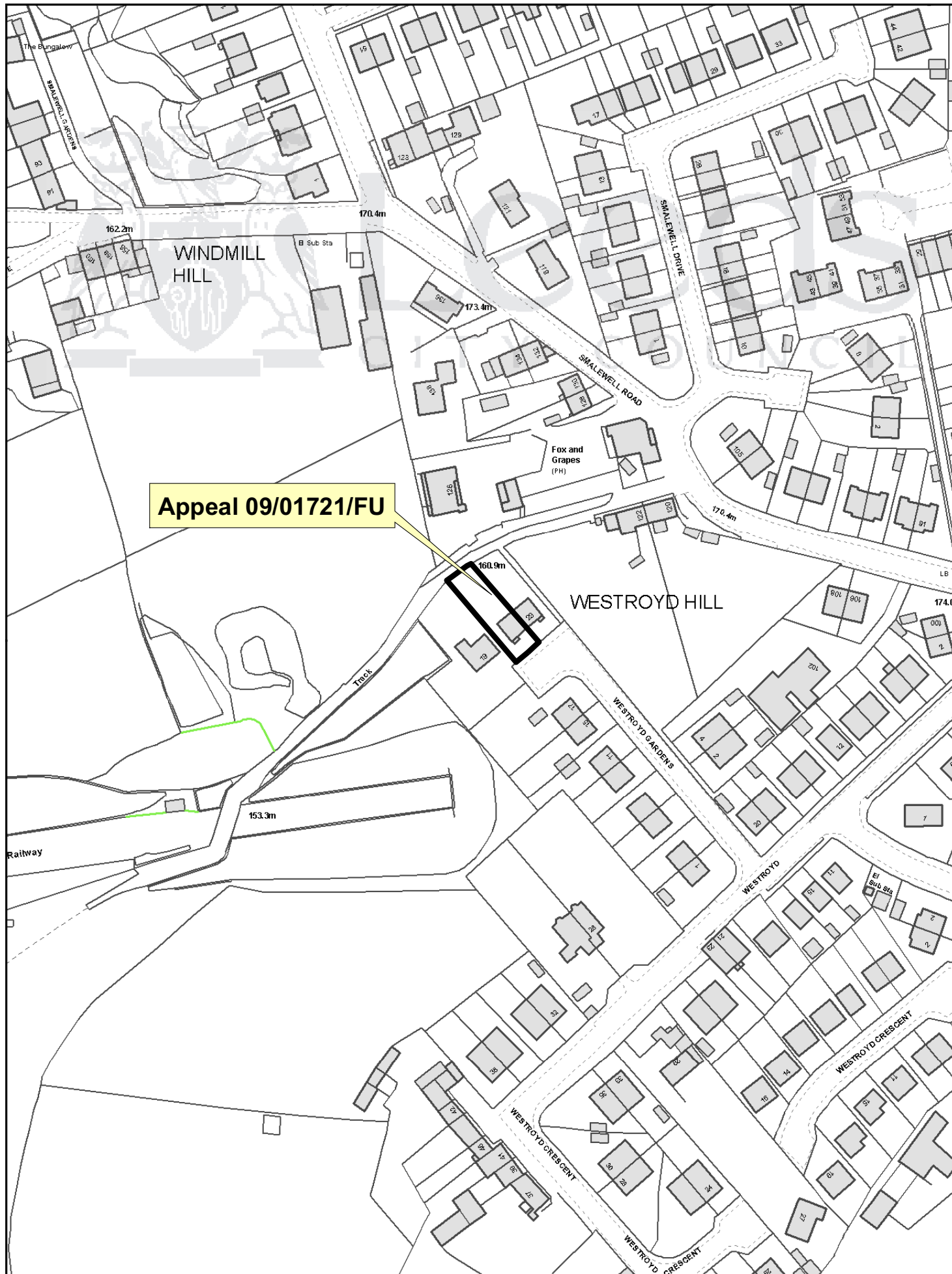


Appeal 09/01662/FU

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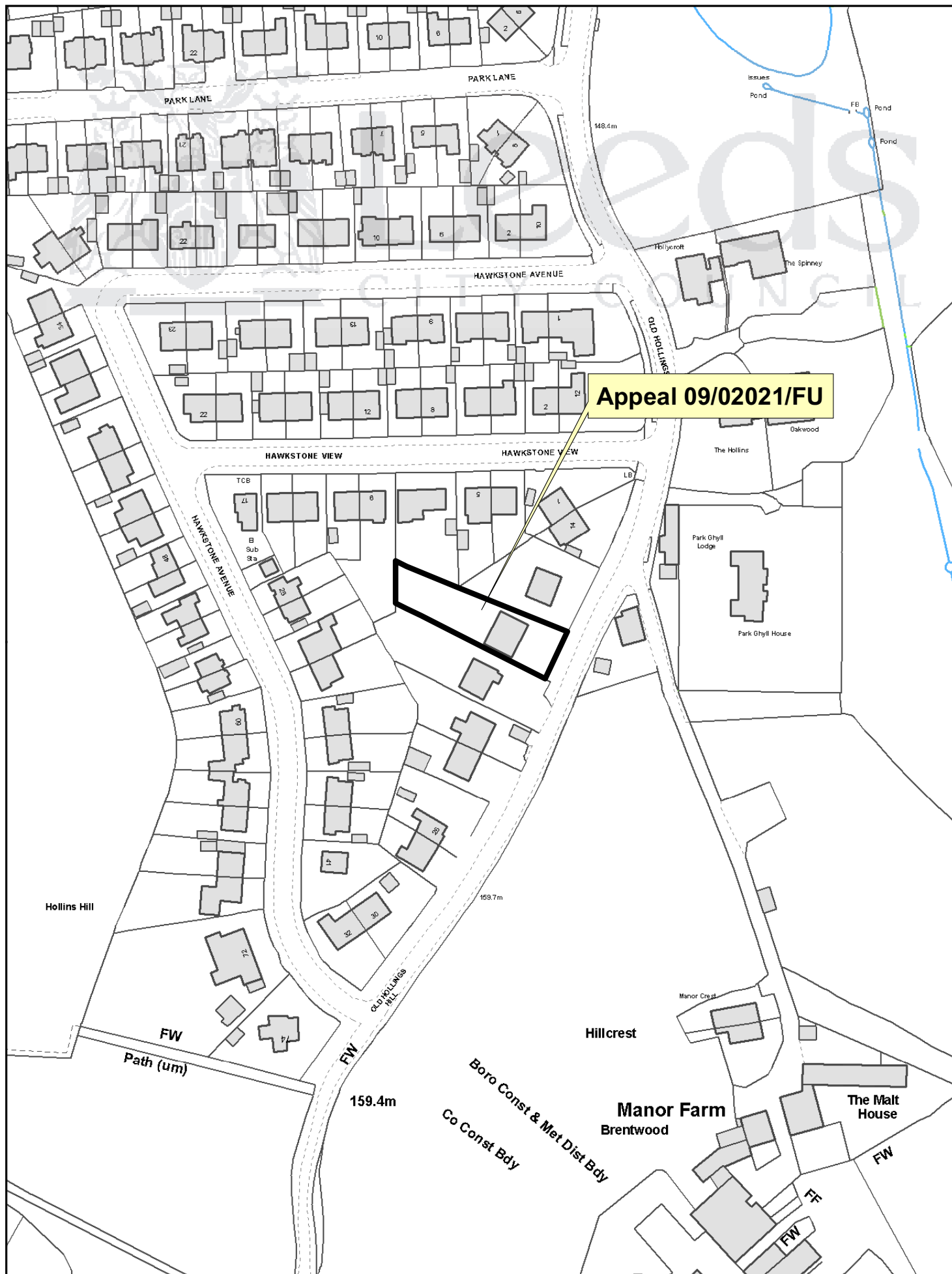
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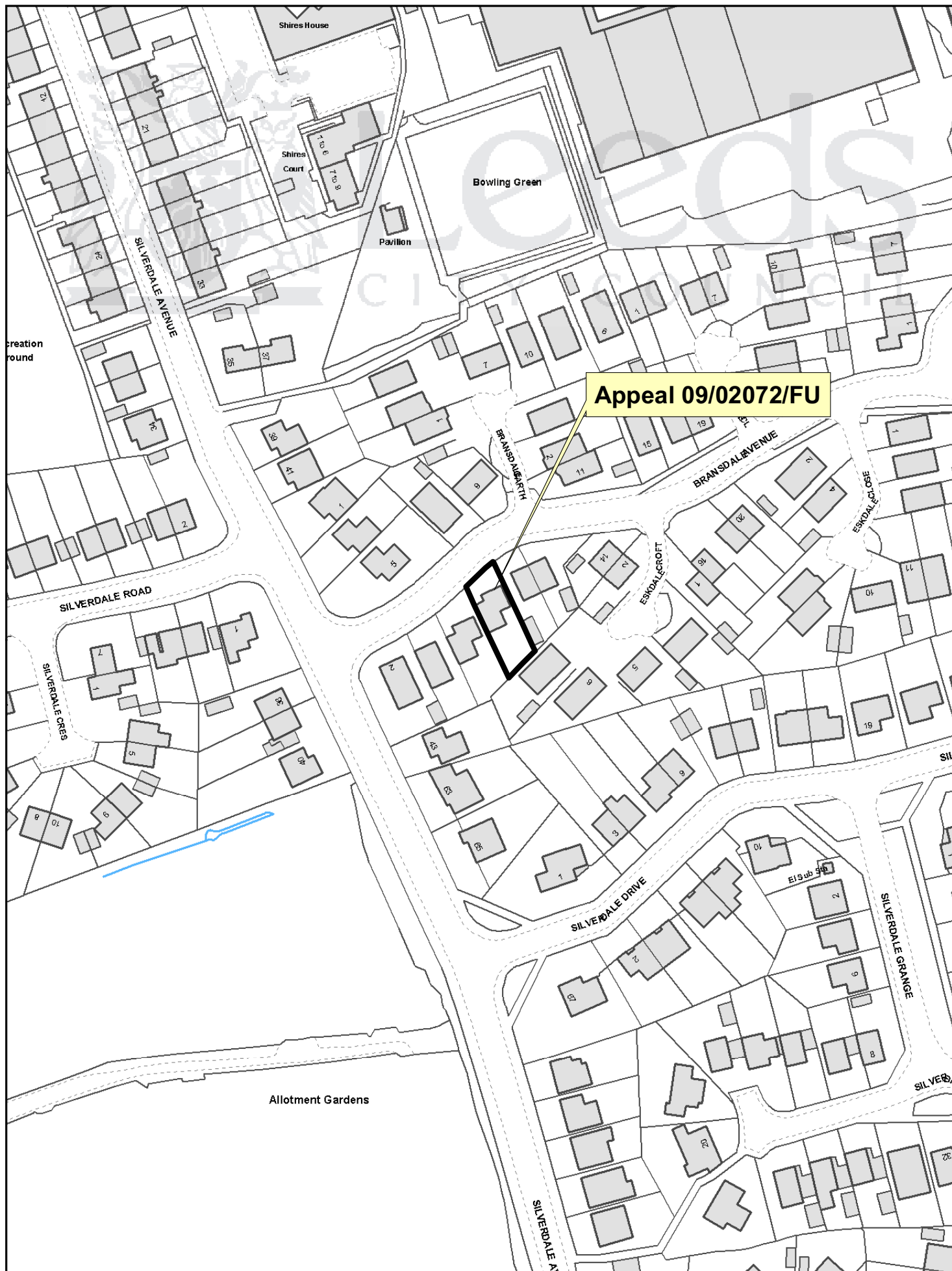
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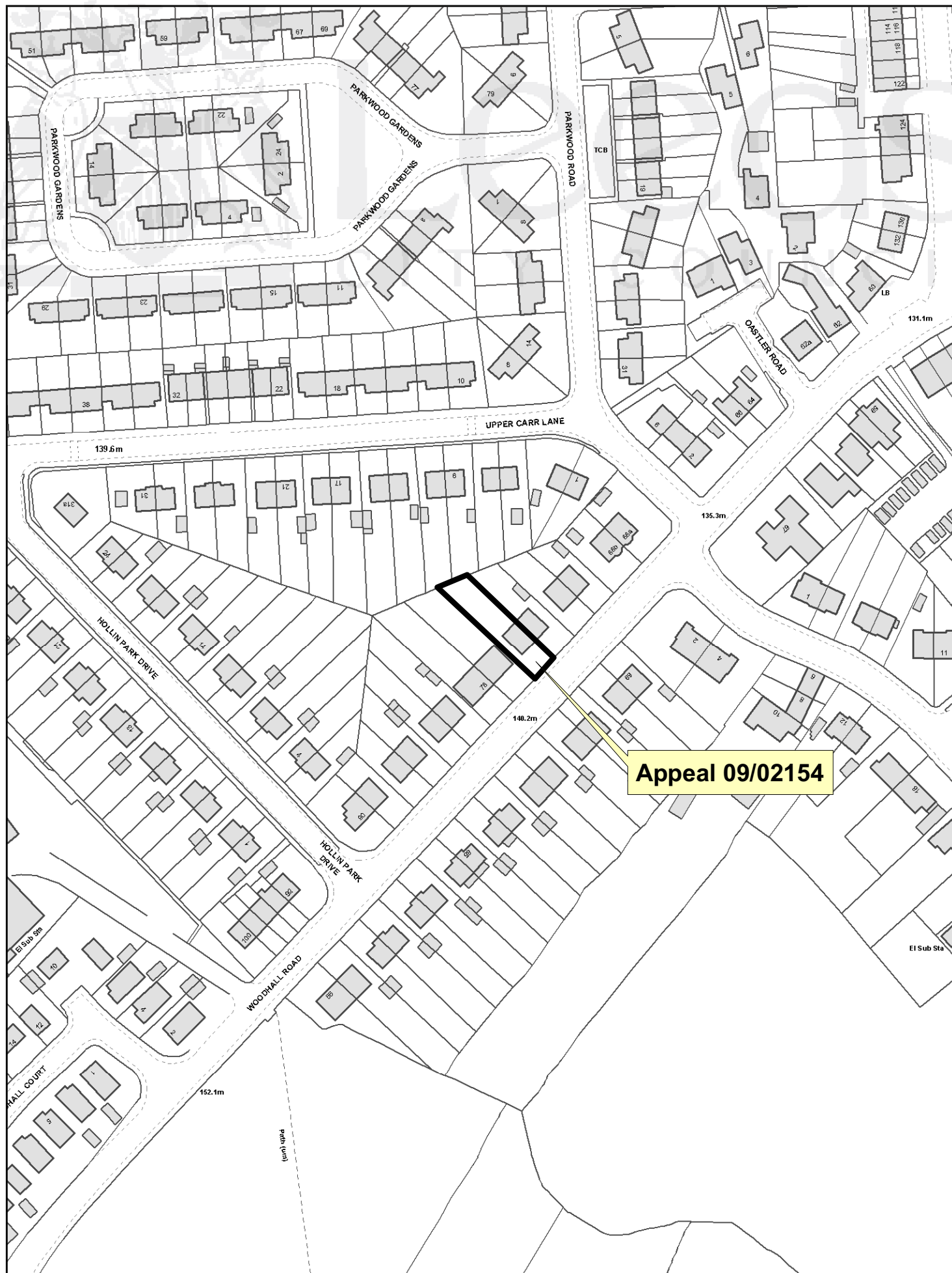


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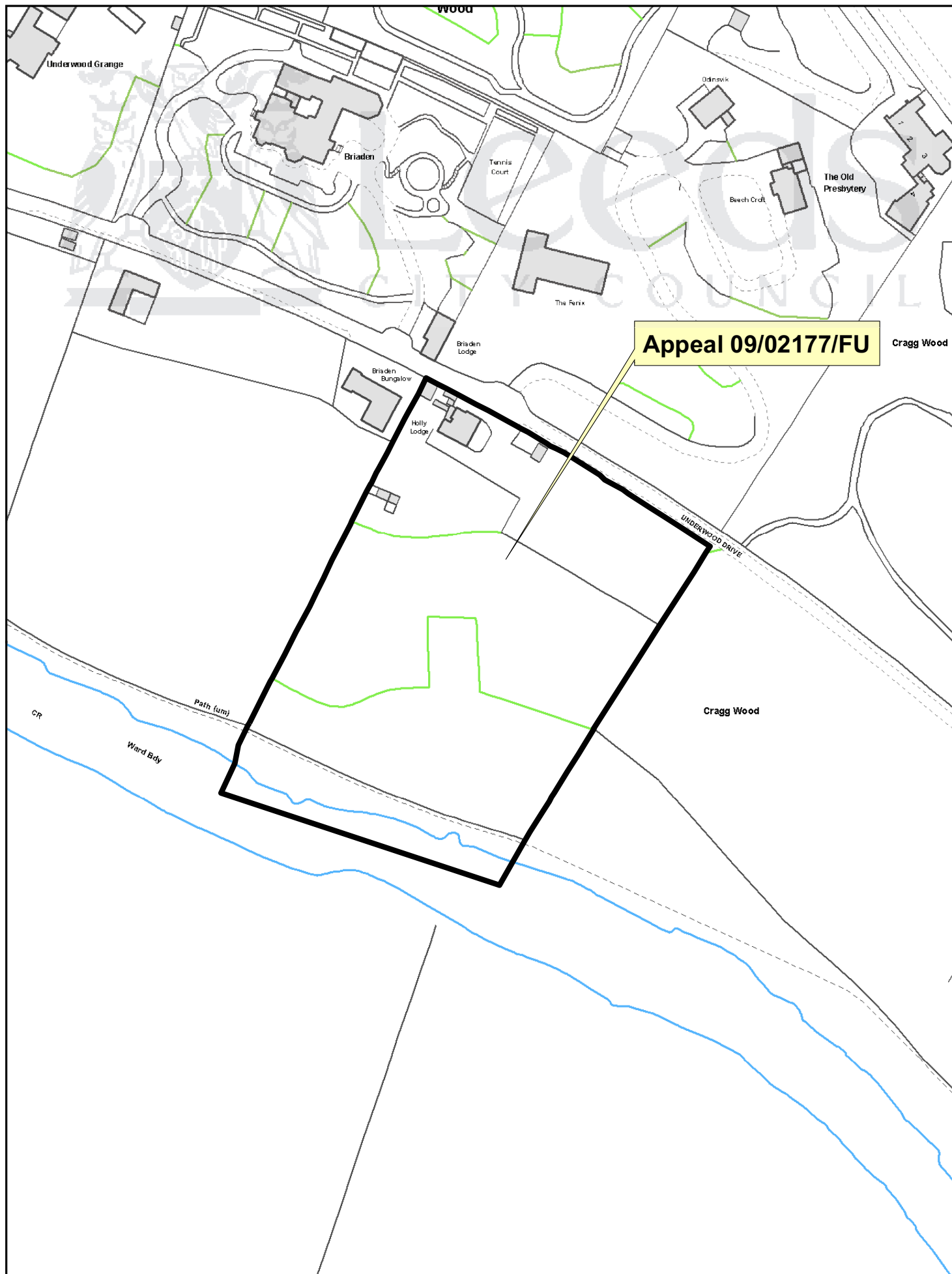
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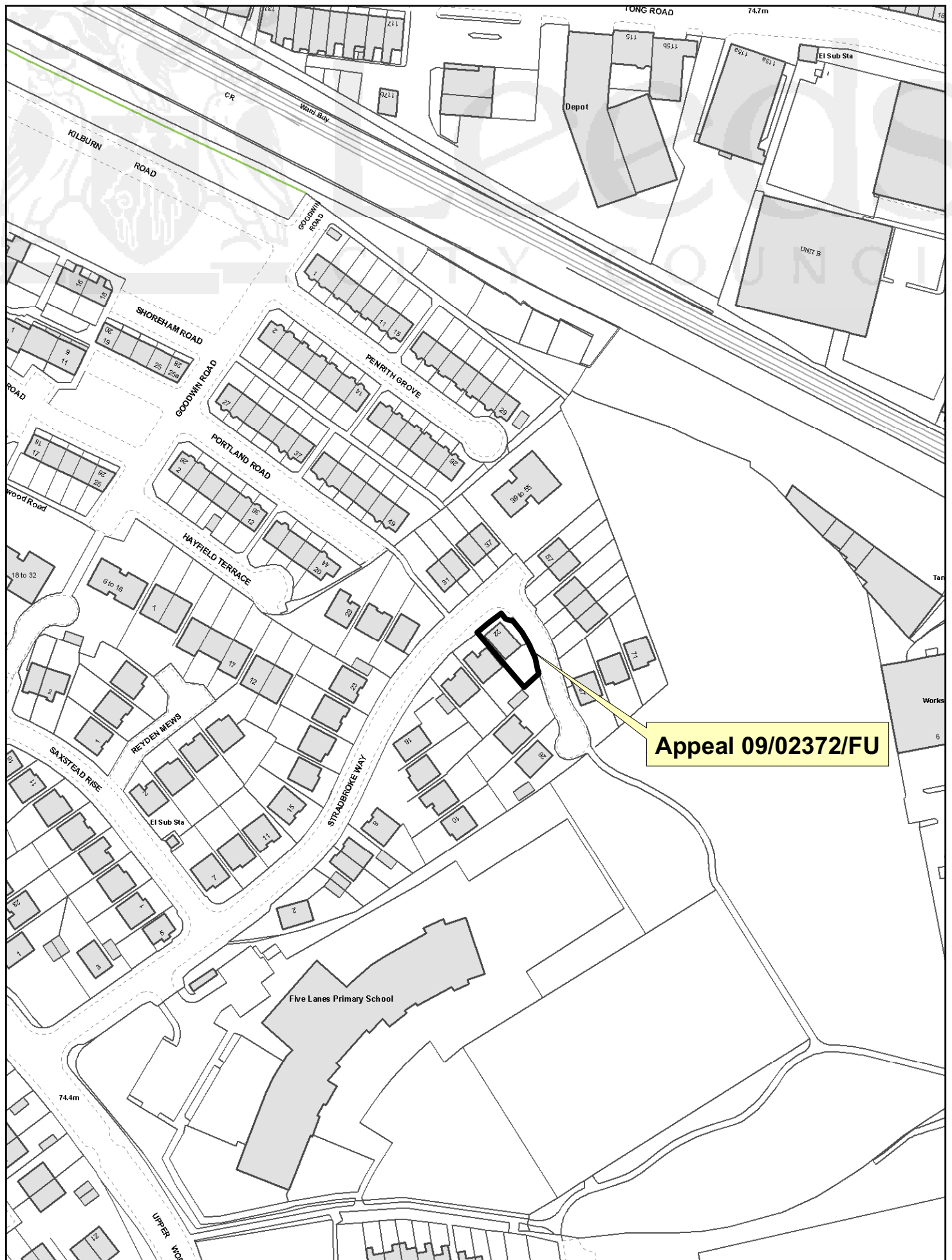
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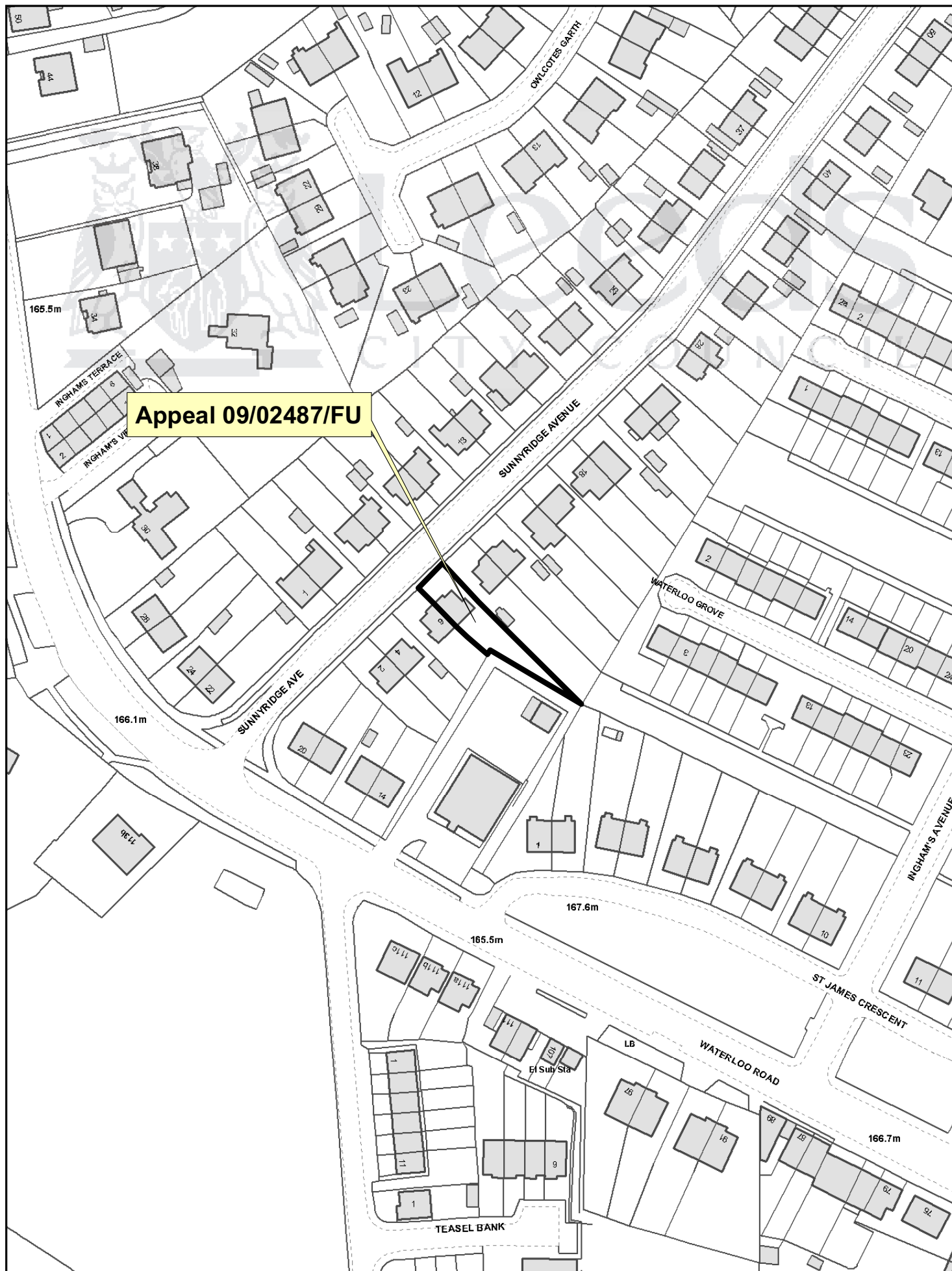


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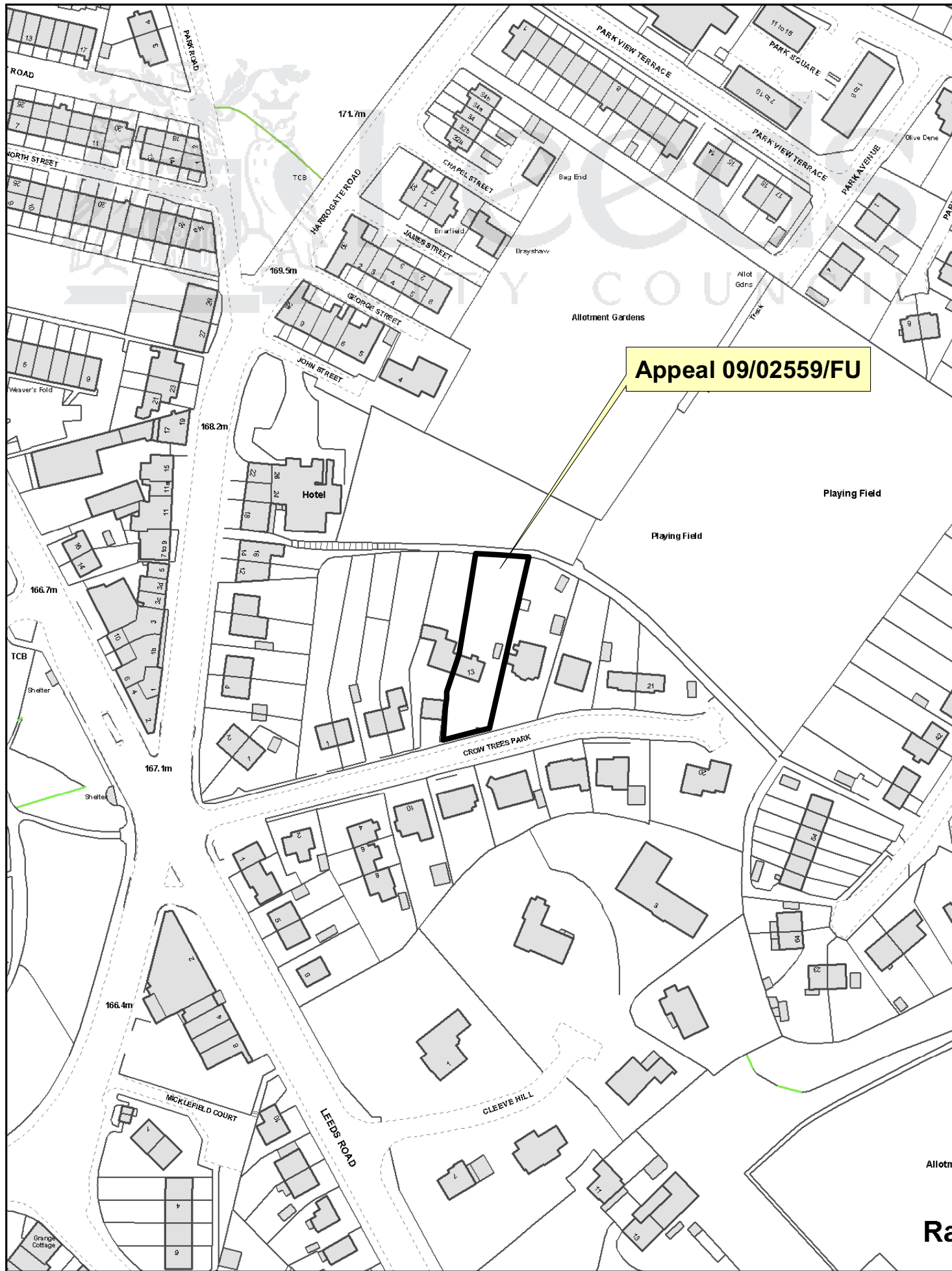


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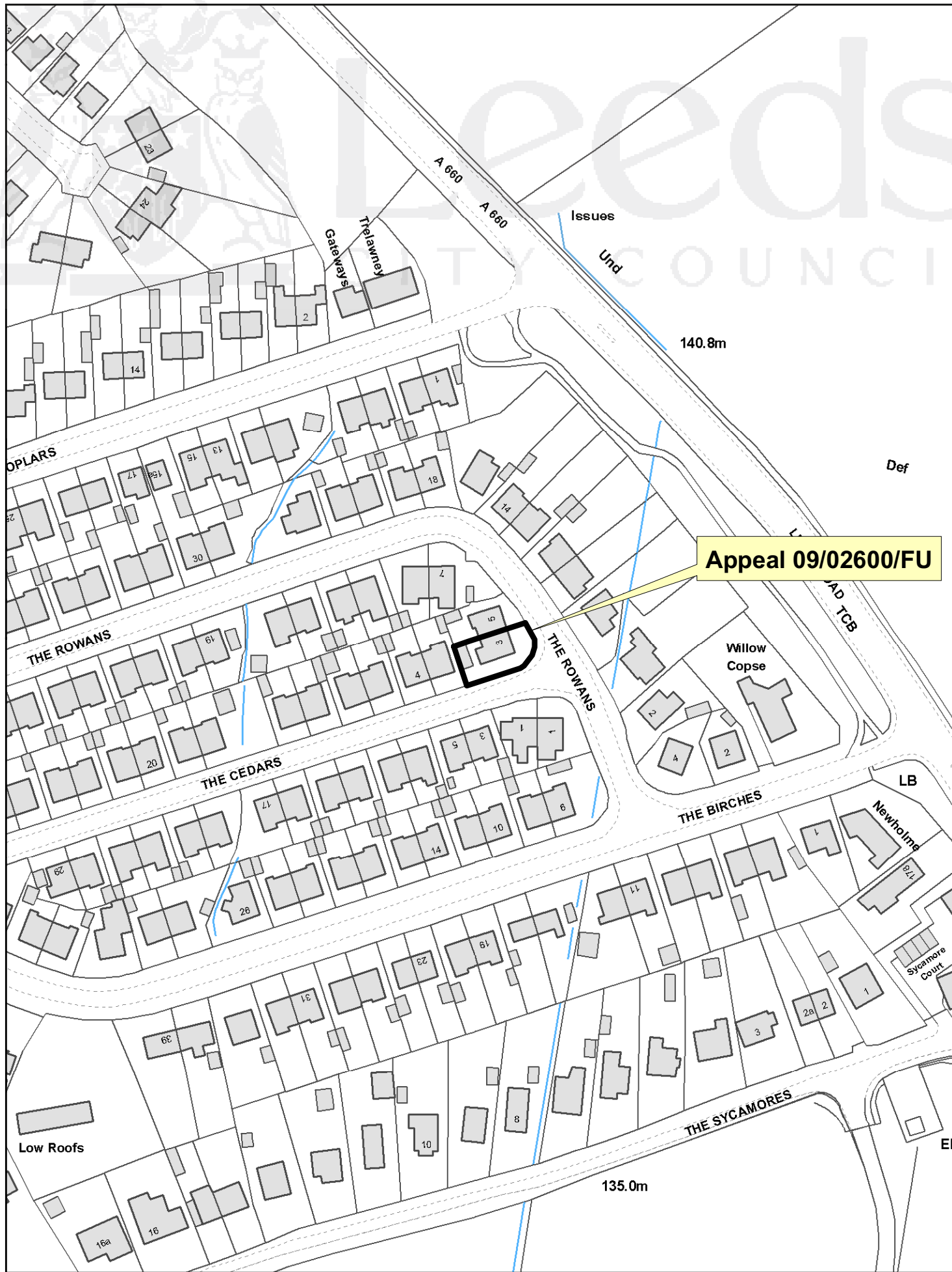
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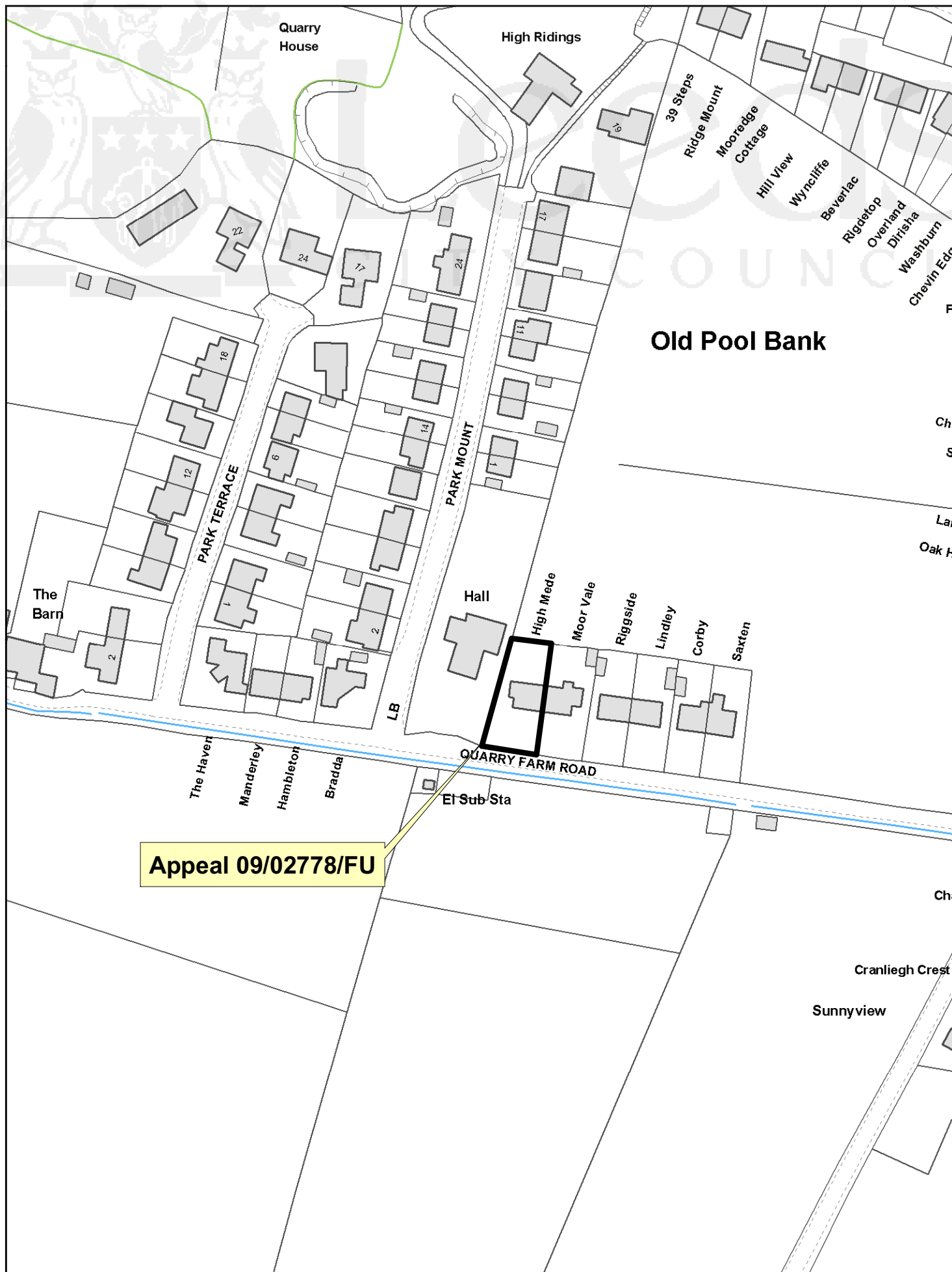
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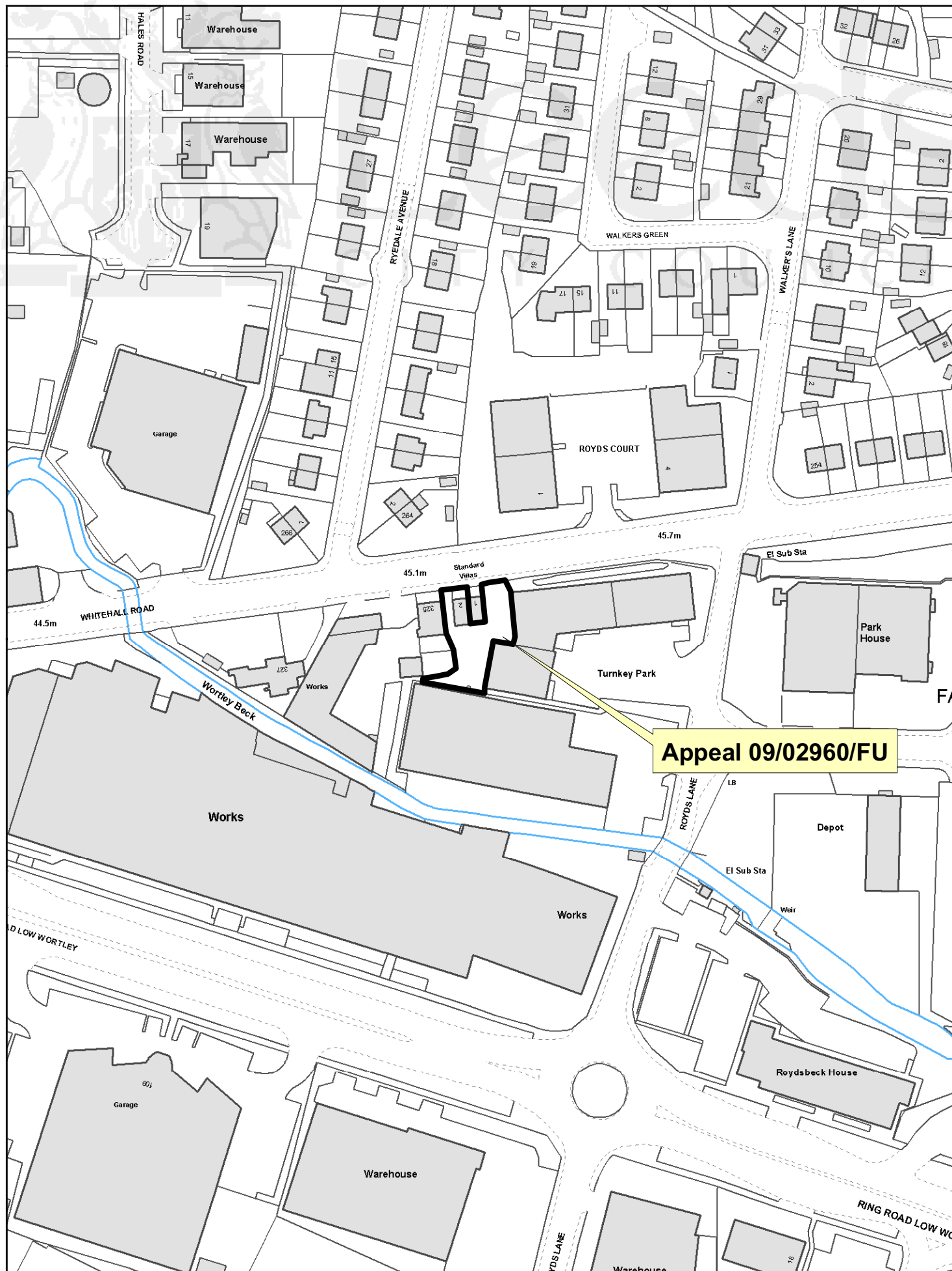
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Appeal 09/02778/FU

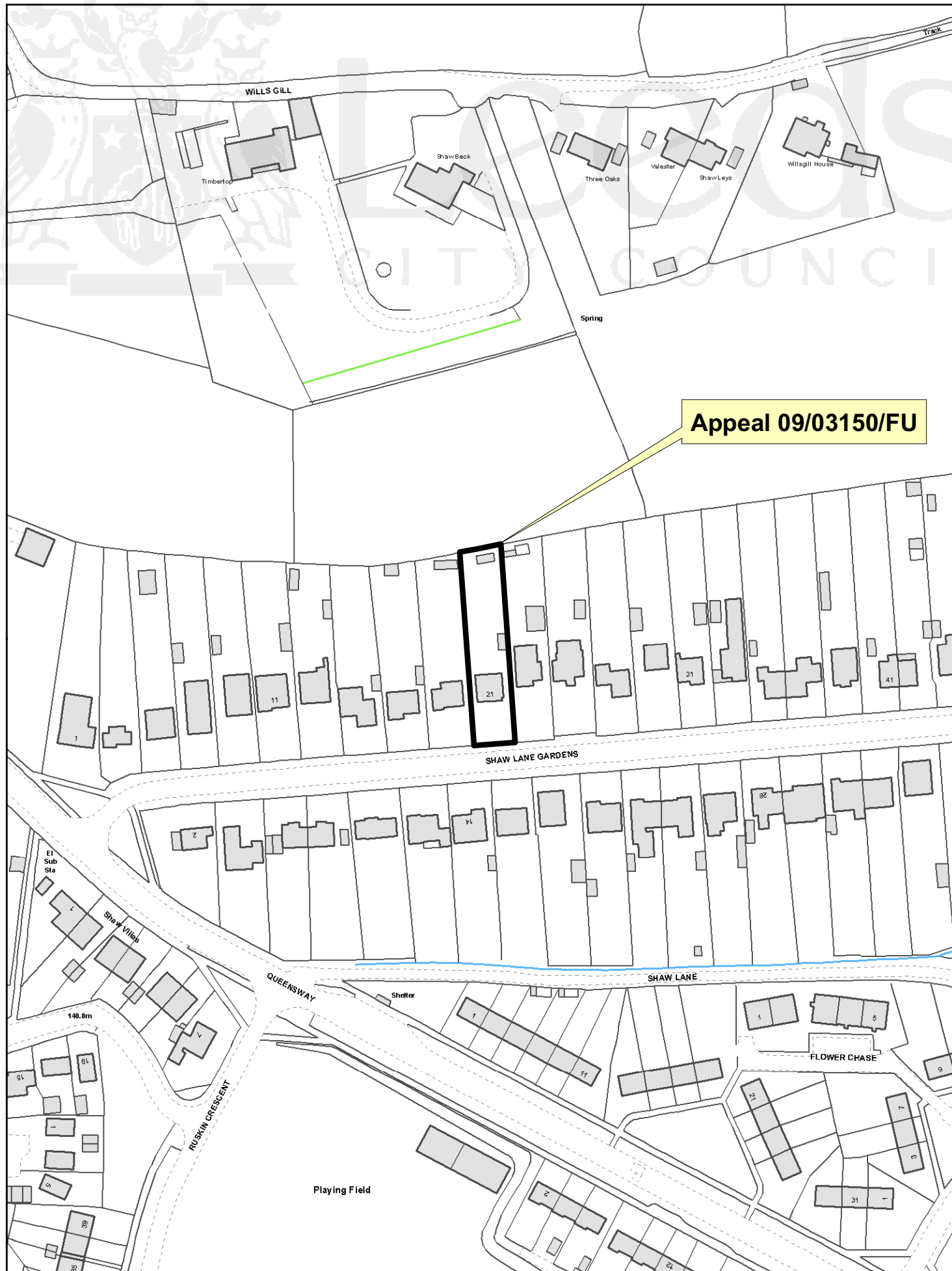
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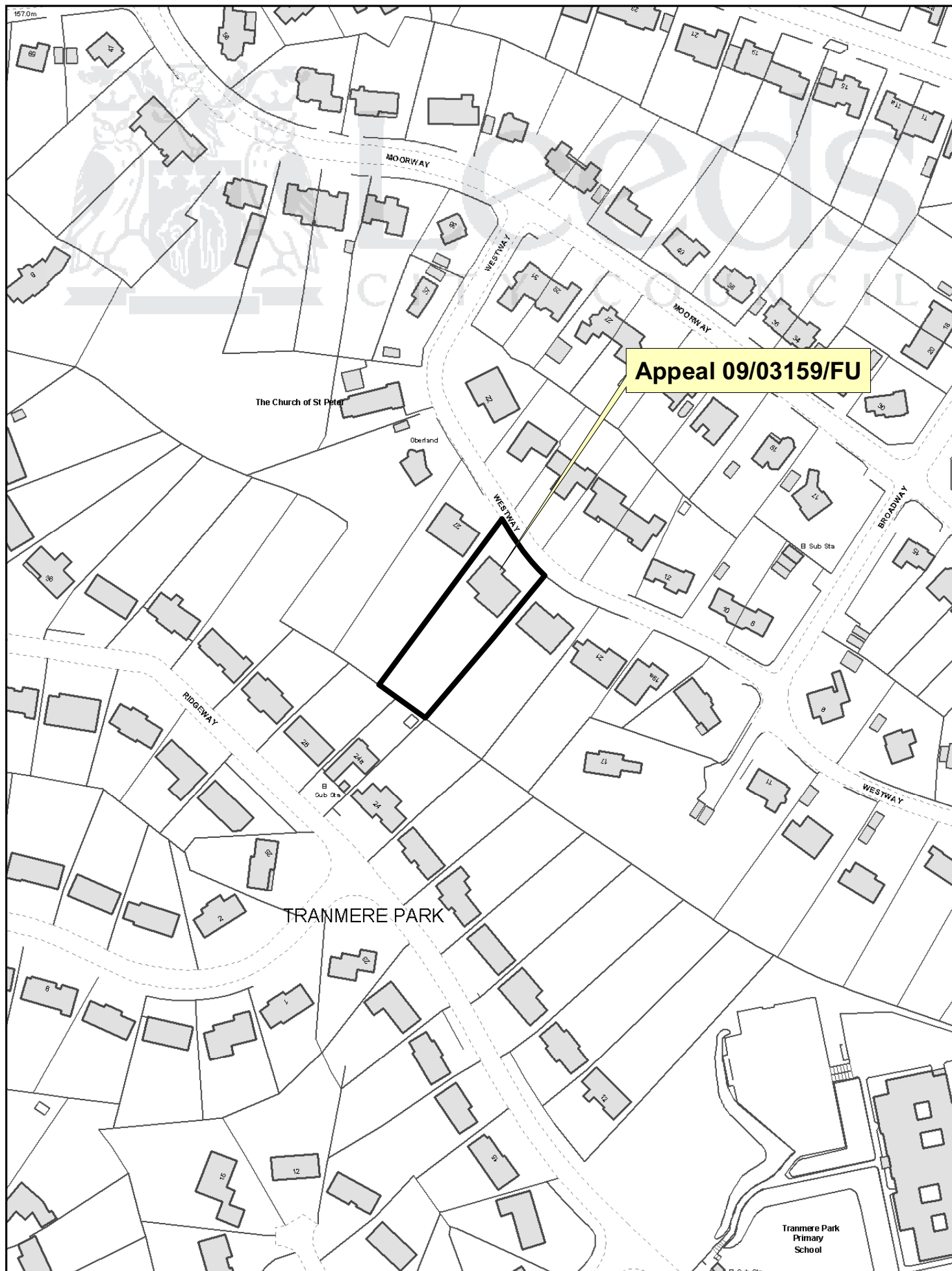
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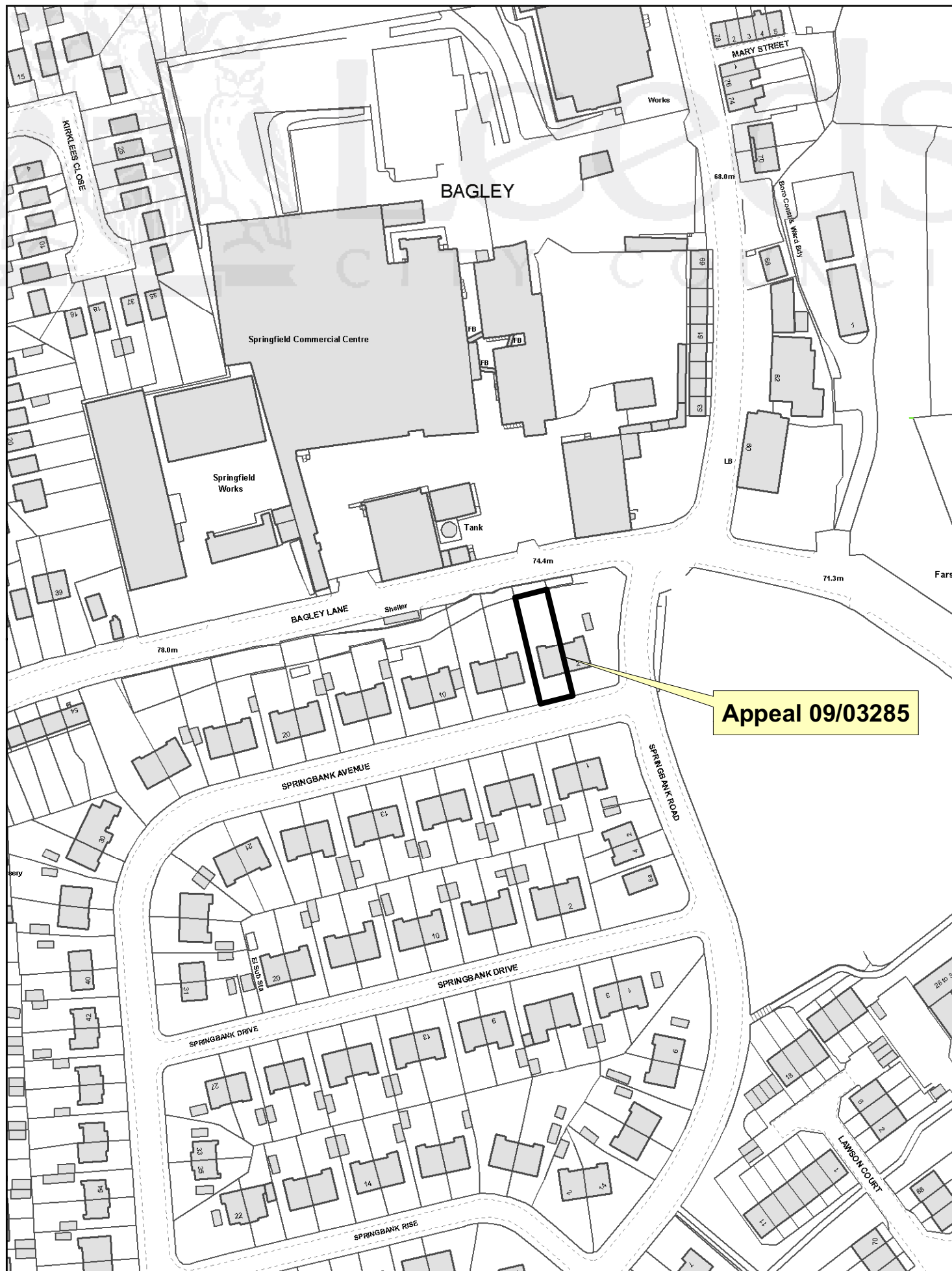
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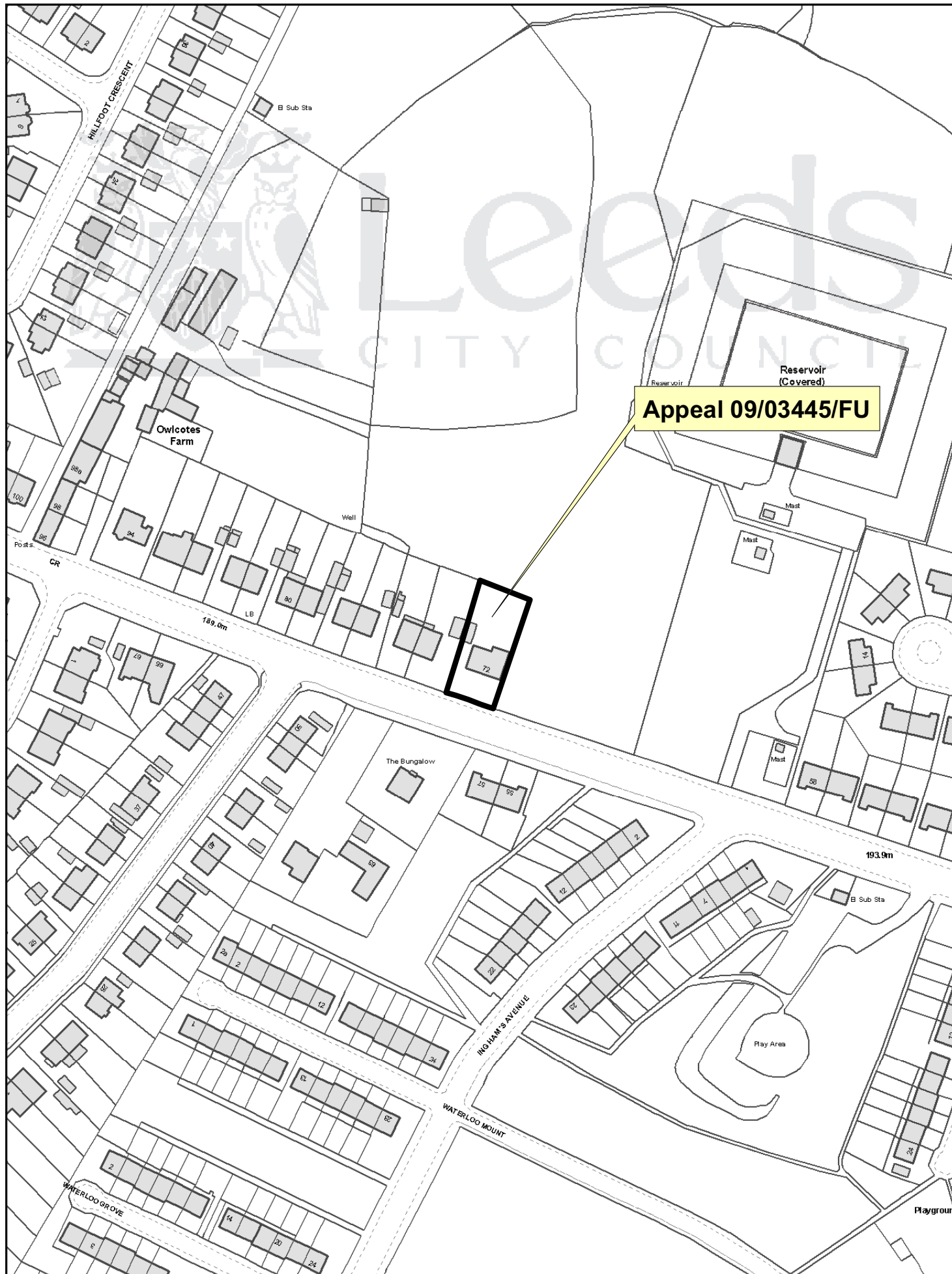
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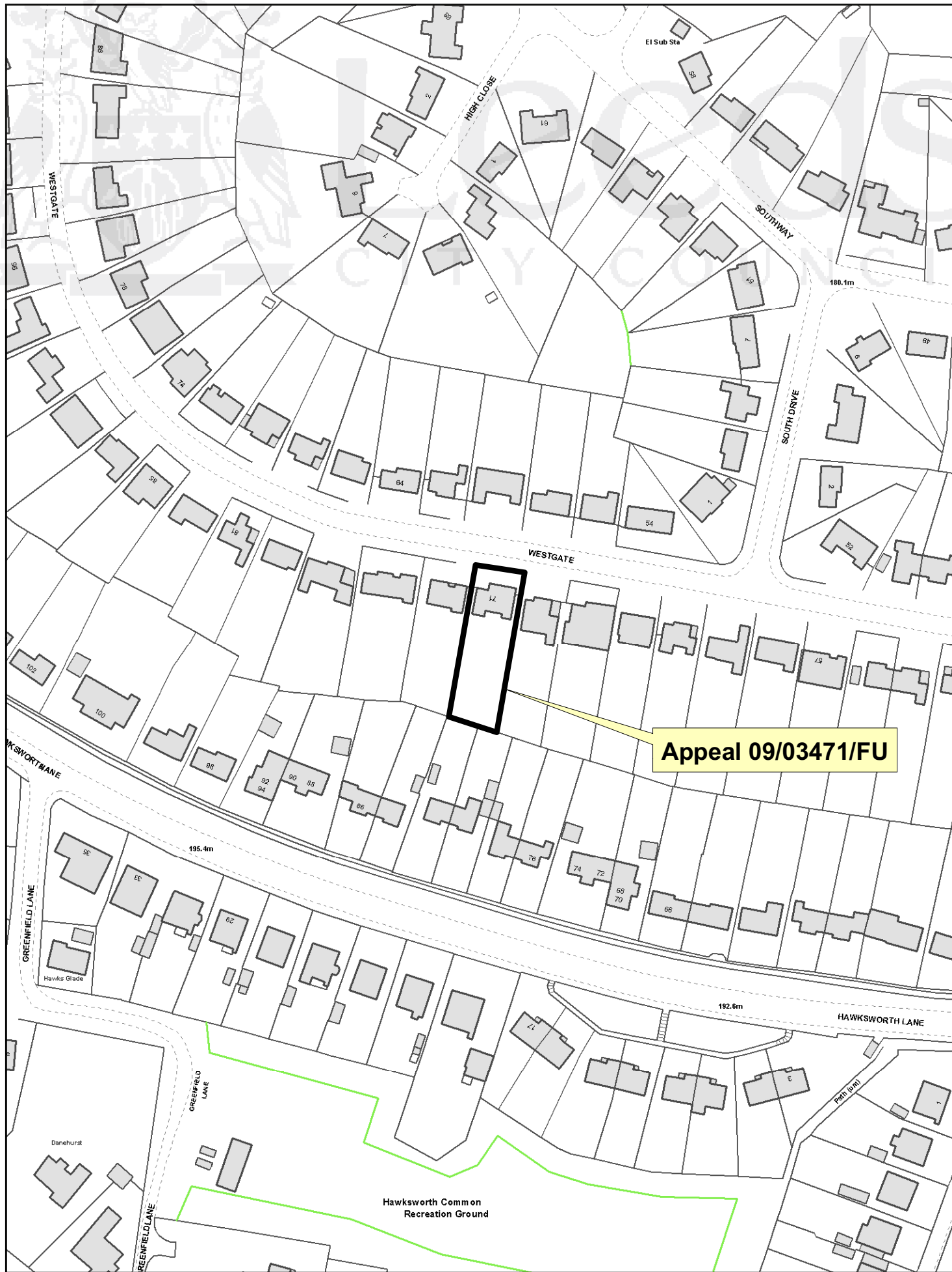
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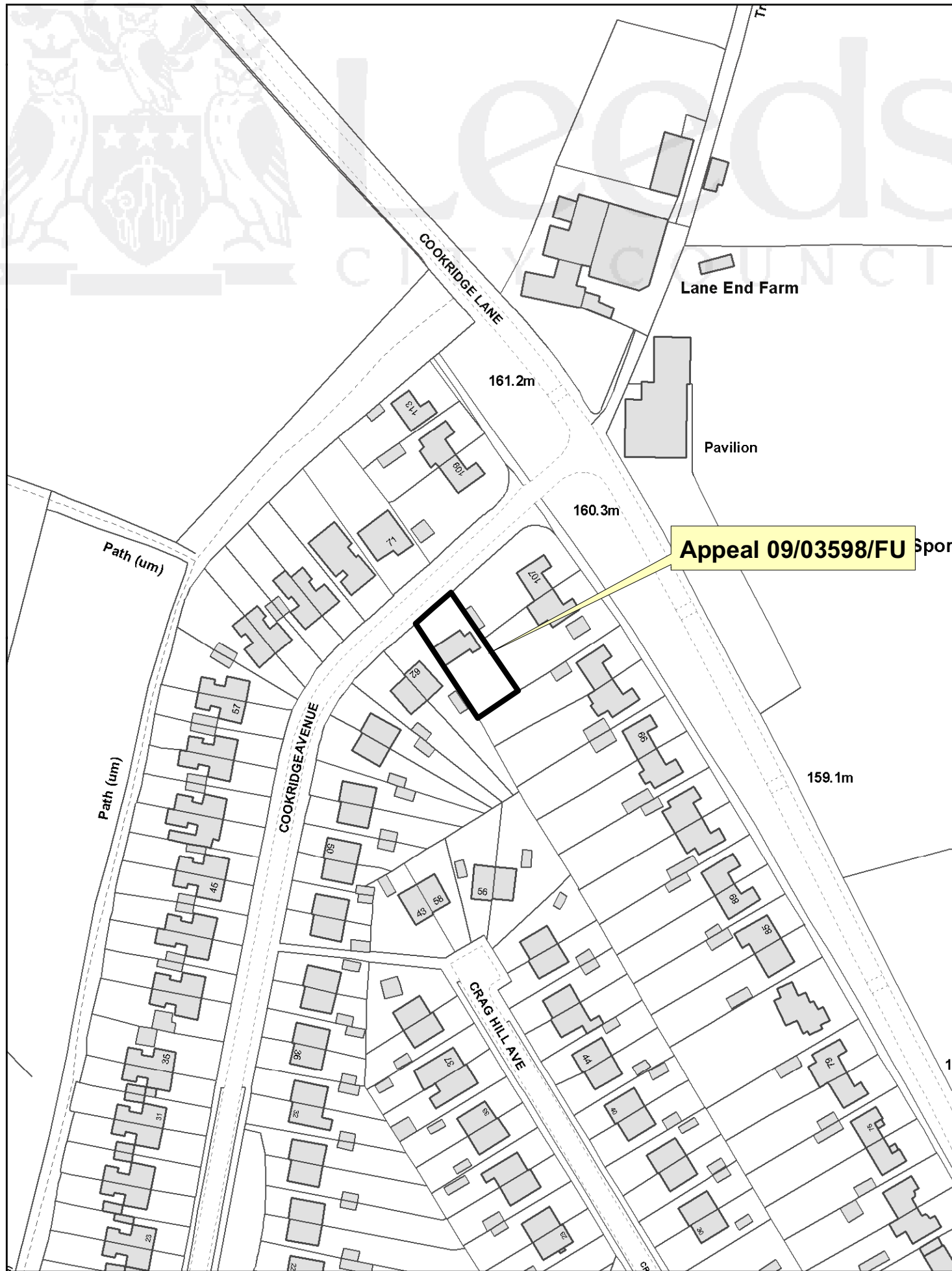


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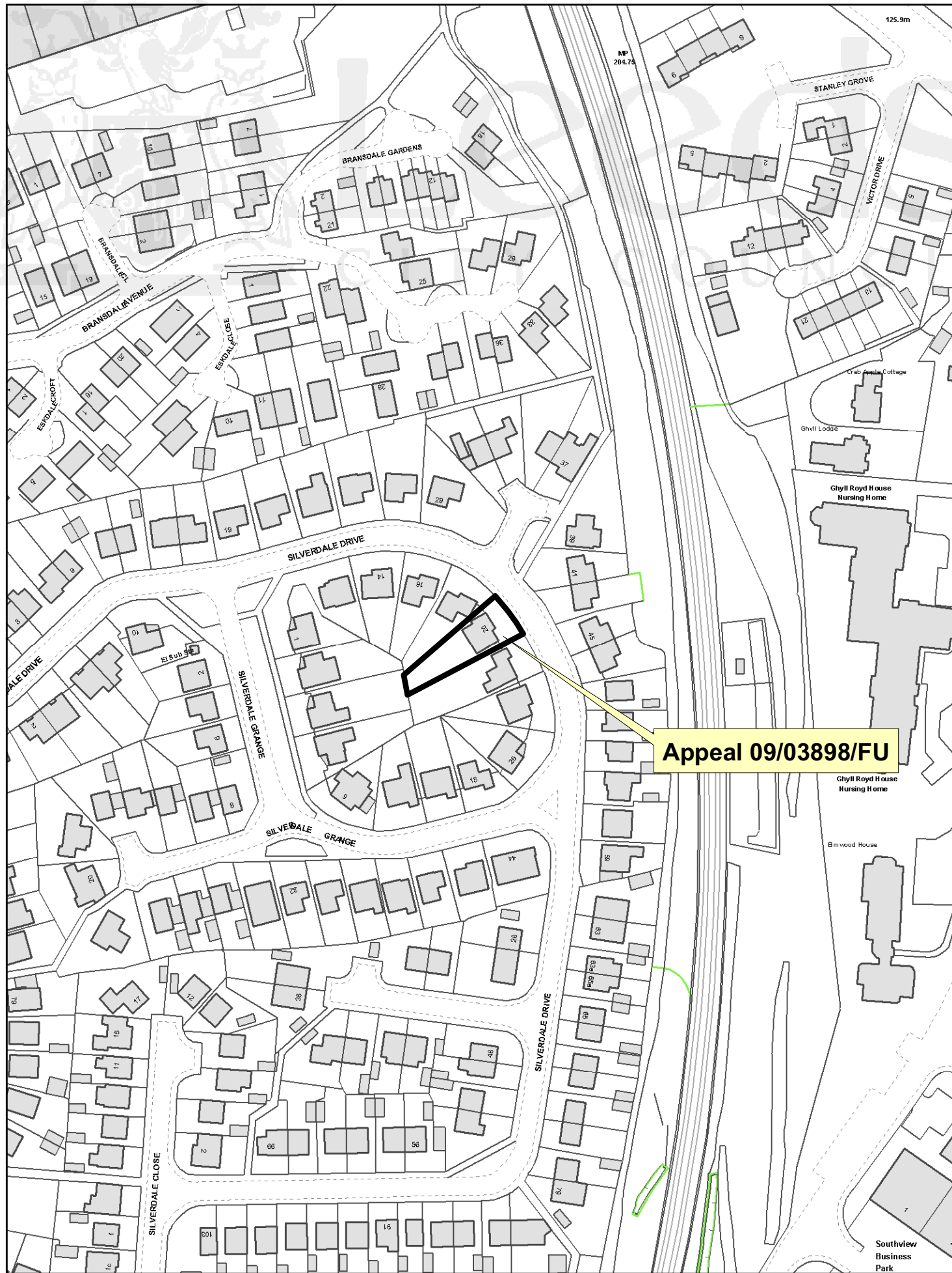
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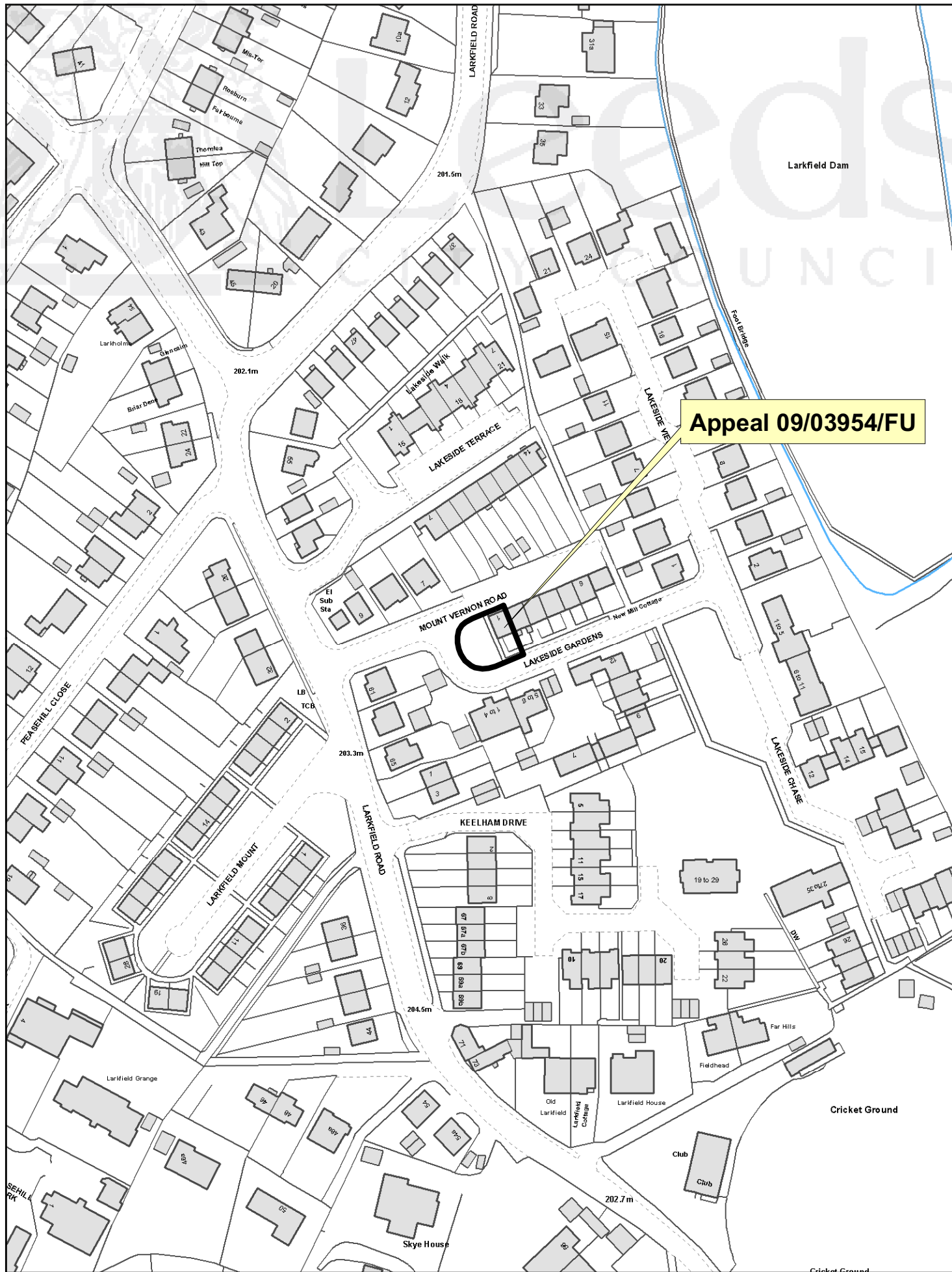
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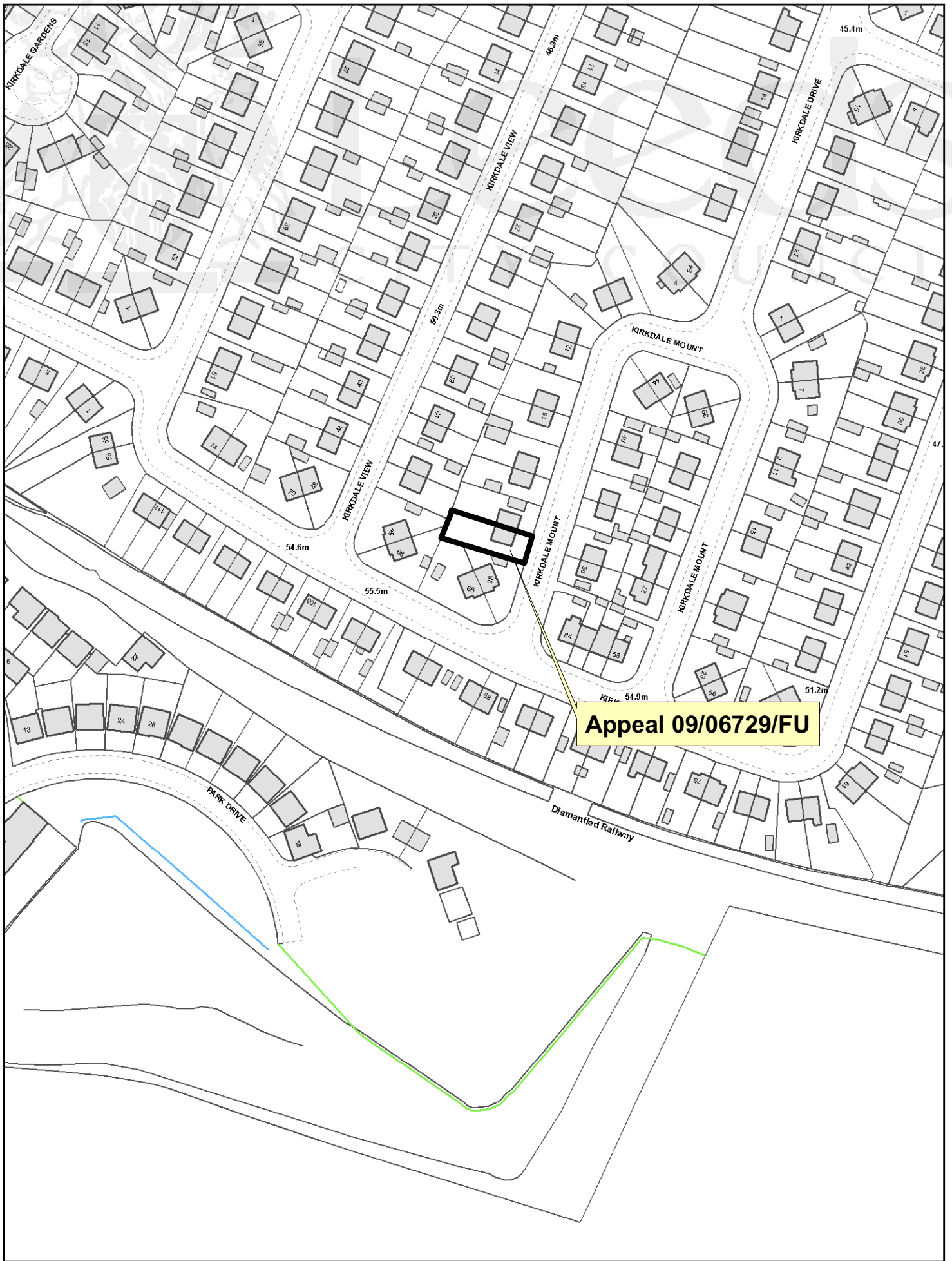
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Originator: Tim Poupard

Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15 April 2010

Subject: LEEDS BRADFORD INTERNATIONAL AIRPORT - MONITORING REPORT OF NIGHT TIME AIRCRAFT MOVEMENTS, NOISE LEVELS AND AIR QUALITY

APPLICANT

Leeds Bradford International
Airport

DATE VALID

Not applicable

TARGET DATE

Not applicable

Electoral Wards Affected:

Otley and Yeadon
Guiseley and Rawdon
Adel and Wharfedale
Horsforth

N

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring. Members are also advised that as aircraft technology evolves aircraft noise will continue to reduce.

Members authorise the Chief Planning Officer to write to the Airport and request an update and firm timescale on the initiatives that LBIA and PIA have committed to. These being;

- The introduction of a B777 aircraft for the PIA flights;
- The reduction of the numbers of departures per week of the PIA Flight;
- The re-scheduling and earlier departure time of the PIA flights; and
- The implementation of the Noise Action Plan.

Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.

1.0 INTRODUCTION:

- 1.1 Planning permission to allow 24 hour availability at Leeds Bradford International Airport was granted subject to conditions in January 1994 (Application Reference 29/114/93/FU).
- 1.2 The planning approval contains a number of detailed conditions regarding night flying, its monitoring and prohibits departures and landings in the night-time period by specific types of aircraft.
- 1.3 As part of the 1994 permission the number of night time movements is restricted to 1200 for each winter season and 2800 for each summer season. The night time period is defined as 23.00 to 0700 hours local time and a movement is defined as a landing or departure.
- 1.4 Condition 12 on application 29/114/93/FU stated that “No aircraft movements in the night-time period shall take place until a scheme has been submitted and approved in writing by the Local Planning Authority for the monthly monitoring and reporting to the Local Planning Authority of the number of night-time aircraft movements by type of aircraft. The scheme shall allow for reference to the numbers of and reasons for delayed landings and emergency departures and landings.”
- 1.5 A monitoring scheme has been approved with regular reporting on the following matters:
 - 1.5.1 Monthly reporting of the number of night-time aircraft movements by type of aircraft with reasons for any delayed or emergency movements being supplied.
 - 1.5.2 Noise monitoring at both the boundary of the Noise Insulation scheme area (at night) and at fixed gateways, to check compliance with agreed Target Noise Levels (TNLs) which are set at 6 to 8 decibels (dB(A)) lower than daytime equivalents.
 - 1.5.3 Air quality as measured by nitrogen dioxide (NO₂) concentrations in and around the airport with two locations inside the airport boundary and four at residential locations close to the main flight paths (two of these four sites are near to existing roads to establish ambient NO₂ levels).
- 1.6 This monitoring report covers three reporting periods:
 - 1.6.1 November 2007 to October 2008;
 - 1.6.2 November 2008 to October 2009; and
 - 1.6.3 November 2009 to date.

2.0 MONTHLY NIGHT TIME MOVEMENTS:

Winter 2007/08 to Summer 2008:

- 2.1 During the periods covered by this report, the night-time movements have been as follows:
 - 2.1.1 Winter 2007/8 (1st November 2007 to 30th April 2008) – **787**; and

2.1.2 Summer 2008 (1st May 2008 to 31st October 2008) – **1539**.

- 2.2 During these periods there have been a total of **15** movements which were in breach of the planning conditions, which sets down in detail restrictions on the type of aircraft which can operate in the night time period (0.6% of a total of 2,326 movements).
- 2.3 Members should be aware that of the 15 movements which exceeded the night-time noise quotas count restrictions between November 2007 and October 2008, 11 of the movements were Shaheen Airlines (PIA predecessors) and 4 were the Pakistan International Airline (PIA) flights to Islamabad.

Winter 2008/09 to Summer 2009:

2.3.1 Winter 2008/9 (1st November 2008 to 30th April 2009) – **556**; and

2.3.2 Summer 2009 (1st May 2009 to 31st October 2009) – **972**.

- 2.4 During these periods there have been a total of **10** movements which were in breach of the planning conditions, which sets down in detail restrictions on the type of aircraft which can operate in the night time period (0.7% of a total of 1,528 movements).
- 2.5 Members should be aware that of the 10 movements which exceeded the night-time noise quotas count restrictions between November 2008 and October 2009, all 10 movements were the Pakistan International Airline (PIA) flights to Islamabad.
- 2.6 Officers wrote to LBIA in September 2009 advising the airport that the PIA flights to Islamabad (despite being scheduled to arrive at 19:25hrs and depart at 21:00hrs), had been breaching the above planning conditions. Officers asked LBIA to respond, provide any explanation for these alleged breaches and assurances that the PIA flights will operate within agreed parameters in the future.
- 2.7 LBIA responded stating that the airport had encountered a few problems with the PIA flight that were beyond its control, such as the late arrival of the aircraft, technical problems and security incidents. On these occasions the aircraft was authorised (by senior LBIA management) to depart on humanitarian grounds, as to minimise any further distress and discomfort to the passengers.
- 2.8 The airport also responding stating that they had only received one complaint in respect of the PIA flight departing later than scheduled during this period.
- 2.9 LBIA however concluded in stating that, they appreciated that there was scope for improvement and they would be working closely with PIA in order to mitigate any breaches. As such, in March 2009 LBIA changed the scheduled departure time of the PIA flight from 21:00hrs to 20:00hrs, to allow more time for the aircraft turnaround if there are any problems and to allow departure prior to 23:00hrs. LBIA also indicated that discussions had taken place with PIA regarding their current aircraft (Airbus 310) and the possibility of securing a Boeing 777, which would create greater operational flexibility and potentially (depending on take-off weight) fall within the permitted noise quota for night-time movements, should the aircraft be significantly delayed.

Winter 2009/10 to date:

- 2.10 Winter 2008/9 (1st November 2009 to 28th February 2010) – **333**;
- 2.11 During these periods there have been a total of **7** movements which were in breach of the planning conditions, which sets down in detail restrictions on the type of aircraft which can operate in the night time period (1.2% of a total of 333 movements).
- 2.12 Members should be aware that of the 7 movements which exceeded the night-time noise quotas count restrictions between November 2009 and February 2010, all 7 movements were the Pakistan International Airline (PIA) flights to Islamabad. (see table below).

Date	Departure Time	Operator	Runway
28/11/2009	23:04:00	PIA	14
21/12/2009	23:30:00	PIA	14
24/12/2009	03:01:00	PIA	14
03/01/2010	00:30:00	PIA	32
13/01/2010	23:35:00	PIA	14
03/02/2010	23:28:00	PIA	14
08/02/2010	23:23:00	PIA	32

- 2.13 Officers again wrote to LBIA in March 2010 to request an explanation for these further contraventions of the planning condition. Officers were seeking assurances that future breaches would not occur thus avoiding the possibility for formal action against the continuing breaches of the terms of the planning permission for night time operations.
- 2.14 LBIA replied to officers apologising for the PIA flight breaches and giving explanations for 4 occasions of the late departure of this aircraft. (see table below).

Date	Time	Reason
21/12/09	23:30	The late arrival (arrived 21:15) of the inbound aircraft forced a late departure. The requirement for de-icing forced further delays.
24/12/09	03:01	The late arrival (arrived 21:30) of the inbound aircraft, coupled with snow closure of the airfield and subsequent backlog of flights forced a late departure.
03/01/10	00:30	The late arrival (arrived 22:17) of the inbound aircraft forced a late departure.
13/01/10	23:35	The closure of the airfield due to snow and subsequent backlog of flights forced a late departure.

- 2.15 LBIA stated that the late departures were due to exceptional circumstances beyond the control of the airport and that on all four occasions, the aircraft was authorised (by senior management) to depart to minimise any further distress and discomfort to passengers.
- 2.16 The airport also stated that they did not receive any complaints from local residents regarding these departures. In fact, throughout the months of December 2009 and January 2010, the airport only received one noise complaint and this was not associated with PIA.

2.17 LBIA have confirmed in writing that they are undertaking the following actions with PIA:

- Advance discussions are underway with PIA to facilitate the introduction of B777 aircraft on this route and LBIA have carried out the required actions to facilitate this change. At this stage, however, LBIA are unable to obtain a definitive date for this change to a quieter type of aircraft;
- The PIA rotation will reduce from three departures per week to two departures per week commencing 22 March 2010;
- PIA scheduled time of departure has been 2100 hrs. LBIA have recently agreed with PIA to change their departures to 2000hrs for the remainder of the winter period. LBIAs current discussions with PIA are based around a departure time of 1930 hrs for the summer period. These times will provide more time for PIA to operate within the daytime quota period; and
- Continued regular dialogue between LBIA and PIA senior management to improve the situation.

Overall Night Time Aircraft Movements:

2.18 Members should note that there are current maximum night time aircraft movement limits at LBIA. In Winter Period (November to April) there is a maximum of **1,200** movements, While in the summer period (May to October) there is a maximum of **2,800** movements. The figures for each period indicate that the overall number of night time movements are well below the numbers permitted by the planning approvals.

3.0 NOISE MONITORING:

3.1 The results of environmental monitoring at the airport carried out by the Environmental Studies section of the City Development Department have been received for the periods covered in this report. The table of results give details of:

3.1.1 Noise monitoring at the boundary of the noise insulation scheme 1994;

3.1.2 Aircraft which exceeded the night-time Target Noise Levels (TNL's) measured by the permanent monitoring system; and

3.1.3 Air quality monitoring around the airport.

3.2 The noise monitoring has been carried out at the following places around the airport:

3.2.1 Tarn View Road, Yeadon;

3.2.2 Wood Hill Road, Cookridge;

3.2.3 Westbrook Close, Horsforth;

3.2.4 Beacon House Farm, Yorkgate; and

3.2.5 Majentta Farm, Carlton.

- 3.3 A number of aircraft have been monitored using both runways over the periods to produce an average noise level. The average values for the aircraft types allowed to operate at night were below the boundary criterion of 90 dB(A). However, the breaches to the planning conditions mentioned in section 2 above resulted in the boundary criterion of 90dB(A) being exceeded on some occasions.
- 3.4 The results continue to confirm the accuracy of the CAA noise footprints on which the noise insulation scheme was based, as the vast majority of aircraft arriving and departing comply with the criteria.
- 3.5 The permanent monitoring system at the airport records which aircraft exceeded the night time target noise levels. Over the periods covered by this report the system recorded the following aircraft:

	1st November 2007 to 31st October 2008		
	TNL (dB(A))	Number	Levels
Departures Runway 32	77.0	17	77 - 83
Departures Runway 14	84.0	1	84.2
Arrivals Runway 32	79.0	11	79 - 84

- 3.6 The above figures represent a very small percentage (1.2%) of overall jet aircraft movements at night.

	1st November 2008 to 31st October 2009		
	TNL (dB(A))	Number	Levels
Departures Runway 32	77.0	2	77 - 78
Departures Runway 14	84.0	6	84 - 86
Arrivals Runway 32	79.0	5	79 - 82

- 3.7 The above figures represent a very small percentage (0.9%) of overall jet aircraft movements at night.

4.0 AIR QUALITY:

- 4.1 Air quality monitoring survey results show low average concentrations of nitrogen dioxide (NO₂) in and around the airport. The general results at the six locations where diffusion tube tests have been carried out over most of the year are summarised as follows:

Location	NO₂ (µg/m³)	
	1st November 2007 to 31st October 2008	1st November 2008 to 31st October 2009
Brownberrie Lane	25	28
Scotland Lane	17	18
Victoria Avenue	24	22
Novia Farm	26	27
Terminal Building	35	31
Main Runway	22	26

- 4.2 Note The NO₂ concentration is an annual average and is measured as µg/m³ (microgram's per cubic metre). Under the Air Quality regulations 2000 the annual average NO₂ concentration should not exceed 40 µg/m³ by 21st December 2005 and relates to background levels in residential areas. The results show that NO₂ levels are well below this level and are highest at the terminal building.

5.0 LBIA DRAFT NOISE ACTION PLAN:

- 5.1 LBIA have recently produced a consultation document that aims to obtain views on the continuous and proposed Noise Action Plan of LBIA in the management and where possible reduction of the impact of noise produced by aircraft and the associated ground operations through the period of 2010-2015, this process will then be reviewed on a 5 yearly basis.
- 5.2 Members should be aware that this Draft Noise Action Plan is required under the European Parliament Directive (referred to as the Environmental Noise Directive) and aims to standardise the assessment of environmental noise across Europe, and sets a framework for the ongoing and future assessment and management of environmental noise.
- 5.3 The Directive requires the appropriate Competent Authority (In the case of this Noise Action Plan the Competent Authority is LBIA) to develop a noise action plan to assist with the management of noise.
- 5.4 The action plan is aimed to include not only the impact of noise from aircraft both arriving and departing at the airport but to take into account other airside noise operations and other activities within the operational boundary of LBIA.
- 5.5 LBIA have stated that it is their aim for this Noise Action Plan and the Masterplan completed in 2005 to work hand in hand to achieve best practice in the management of noise in line with other comparable airports. Over the next five years, LBIA have set the following main targets for their noise management programme, which they believe shows their commitment of reducing aircraft noise impacts by:
- Encouraging the operation of the quietest fleet possible;
 - Encourage airlines to adopt the quietest practicable aircraft operating procedures;
 - Effective and credible noise mitigation schemes;
 - Introduce new and effective methods of communication with communities affected by aircraft noise to allow a better understanding of their concerns;
 - Influence planning policy to minimise the number of noise sensitive properties around the airport; and
 - Put procedures in place to efficiently and effectively manage and respond to changes in aircraft or operational noise.
- 5.6 LBIA have also stated that, following the publication of their Noise Action Plan, they plan to provide regular progress Noise Action Plan updates to the airport's Consultative Committee, with details published on the LBIA website. LBIA have also started meeting local residents with an aim to keep local communities and other stakeholders informed of progress made and the implications of any policy decisions arising from the commitments made in the plan.

- 5.7 A public consultation on the airports draft plans has been ongoing from 14 December 2009 and runs until 27 April 2010.
- 5.8 As members are aware, the Air Transport White Paper identified and committed to 'limiting the number and where possible reducing the number of people in the UK significantly affected by aircraft noise'. The statement shown clarifies that eliminating all noise would be impossible but limiting those effected is the most appropriate way forward.
- 5.9 Therefore, members should be assured that at the time of the writing this report, the Local Planning Authority was in the process of making details comments on the Draft Noise Action Plan, particularly where it crosses over with planning matters. These can be reported to members of Plans Panel West if required.

6.0 RECOMMENDATION:

- 6.1 Members are requested to note the contents of this report, in relation to the night time movements, the noise and the air quality monitoring. Members are also advised that as aircraft technology evolves aircraft noise will continue to reduce.
- 6.2 Members authorise the Chief Planning Officer to write to the Airport and request an update and firm timescale on the initiatives that LBIA and PIA have committed to. These being;
- 6.2.1 The introduction of a B777 aircraft for the PIA flights;
- 6.2.2 The reduction of the numbers of departures per week of the PIA Flight;
- 6.2.3 The re-scheduling and earlier departure time of the PIA flights; and
- 6.2.4 The implementation of the Noise Action Plan.
- 6.3 Officers will update Members on these issues and report again on the night time movements, noise and air quality monitoring in six months time.



Originator: Patrick Bean

Tel: 39 52109

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th April 2010

Subject: APPLICATION 09/05311/OT OUTLINE APPLICATION TO DEMOLISH MILL BUILDINGS, LAYOUT ACCESS ROAD AND ERECT RESIDENTIAL DEVELOPMENT, COMPRISING OF DWELLINGS, SHELTERED HOUSING ACCOMMODATION (C3) AND CARE HOME (C2) AND CONVERSION OF MILL BUILDING TO RESIDENTIAL (INDICATIVE ONLY), WITH CAR PARKING, AT SPRINGHEAD MILLS, SPRINGFIELD ROAD, GUISELEY.

APPLICANT

Springhead Development
No1 Ltd

DATE VALID

7th December 2009

TARGET DATE

18th March 2010 (PPA)

Electoral Wards Affected:

Guiseley and Rawdon

☐ Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION:

REFUSE the application for the following reasons

1. The Local Planning Authority considers that as the proposed development makes insufficient provision of affordable housing within the application. It is contrary to Policies H11, H12 and H13 of the Leeds Unitary Development Plan Review (2006), guidance set out in the adopted Supplementary Planning Guidance 'Affordable Housing', Interim Affordable Housing Policy (2008) and to the aims and objectives of Planning Policy Statement 3: Housing (PPS3).

2. The Local Planning Authority considers that the proposed development makes insufficient provision of additional or improved Greenspace to meet the needs of the development. The proposals are therefore contrary to the Leeds Unitary Development Plan Review (2006) policies N2 and N4 and Supplementary Planning Guidance 4, Greenspace relating to new housing development.

3. The Local Planning Authority considers that the proposed development makes insufficient enhancements to strategic public transport infrastructure, basic public transport site access provision and fails to encourage and promote access by sustainable modes of travel. It is contrary to Policies T2, T2C and T2D of the Leeds Unitary Development Plan Review (2006), Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and Planning Policy Guidance 13: Transport (PPG13), Regional Spatial Strategy and provisions of the Councils 'Travel Plans' and 'Public Transport Improvements and Developer Contributions' Supplementary Planning Documents.

4. The Local Planning Authority considers that the proposal includes inadequate information to enable an informed decision to be made regarding the impact of the proposal on the highway network. In the absence of such information it is considered that it is likely to lead to an intensification of use which, in the absence of off site traffic management measures, would generate additional congestion as well as conflicting traffic movements to the detriment of road safety, the free flow of traffic and the amenity of existing and prospective residents in this vicinity, and the proposed development is therefore contrary to policies GP5 and T2 of the Leeds Unitary Development Plan Review (2006)

5. The proposed development, as indicated in the submitted plans and the Design and Access Statement, by virtue of its over intensive nature, height, scale, massing, layout and associated parking would appear over dominant and inappropriate in relation to the surrounding character of the area . This, combined with other design elements of the scheme are not considered to be of a sufficiently high quality and combined with the loss of heritage assets in the north eastern part of the site will have a detrimental impact upon the character and appearance of the area and the adjacent Guiseley Town Gate Conservation Area. The scheme is therefore considered contrary to Policies GP5, BD2, BD5, N12, N13, N19 and LD1 of the Leeds Unitary Development Plan Review (2006) and to guidance contained within Supplementary Planning Guidance in 'Neighbourhoods for Living' as well as being contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3) and Planning Policy Statement 5: Planning for the Historic Environment (PPS5).

6. The Local Planning Authority considers that the mix of accommodation proposed has failed to demonstrate that the development meets the needs of balanced provision of housing and mixed communities as required by policies GP5 and H9 of the Leeds Unitary Development Plan Review (2006) as well as being contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and of Planning Policy Statement 3: Housing (PPS3).

7. The Local Planning Authority considers that the development has provided insufficient detail to enable an informed and accurate assessment of the proposals. In particular the applicant's assessment of the proposed 'assisted living' block as falling within Use Class C2 has not been supported with any evidence such as services to be provided to residents and the qualifying criteria of eligible residents. The likely infrastructure needs of the development including car parking, open space and the provision of affordable housing can therefore not be adequately assessed, contrary to policies GP5, GP7, N2, N4, H11, H12 and H13 of the Leeds Unitary Development Plan Review (2006) as well as being contrary to the aims and objectives of Planning Policy Statement 1: Delivering Sustainable Development (PPS1) and of Planning Policy Statement 3: Housing (PPS3).

1.0 INTRODUCTION:

1.1 This application is brought to Panel due to the scale and amount of development on the site and due to the planning history of the site.

2.0 PROPOSAL:

- 2.1 The proposal is an outline application to demolish mill buildings, layout an access road and to erect a residential development, comprising of dwellings, sheltered housing accommodation (C3) and care home (C2). The proposal also involves the conversion of a mill building to residential (indicative only), and the laying out of car parking. Permission has been sought for means of access only with all other details reserved for future consideration.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site lies within the urban area of Guiseley, close to the Town Centre situated to the south west of the site. To the immediate east of the application site lies residential units and to the south east, the Aireborough Leisure Centre. To the immediate west lies open land which forms public open space. To the north of the site lies Springfield Road which runs into Well Lane. This section of highway is dog legged and primarily serves housing. The site is nestled on the outside edge of the Guiseley Conservation area which is located to the north, east and west of the site.
- 3.2 The general character of the local area is dominated by a series of distinctive stone terraces of generally a 2 and 2 ½ storey scale albeit there are limited examples of 3 storey developments. The predominant materials are stone and slate. The style of architecture is compact and symmetrical. The area is of attractive character, and this is reflected in its status as a conservation area, the quality of this pattern of development provides a distinctive local character.
- 3.3 The site itself is of an irregular shape and comprising of 1.9 hectares of land and occupied by a number of buildings of different qualities some of which are currently used and others previously used for commercial purposes. The most interesting and architectural pleasing buildings are located generally within the north eastern corner of the site and comprise of traditional mill buildings which sit adjacent to Well Lane and contribute positively to the character of the area. These particular buildings are used as small workshop units for commercial and light industrial purposes. The other significant building largely occupies the remainder of the site and comprises of a substantial utilitarian structure, brick built unit with asbestos roofing.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 There is a lengthy planning history relating to this site much of which is not considered to be relevant to the determination of this application.
- 4.2 However, in 2006 an application was submitted for the demolition of mill, laying out of access and erection of 80 dwellings with the refurbishment of retained buildings for employment use. This was withdrawn on the 20th November 2006.
- 4.3 An outline application was submitted in 2009 to demolish mill buildings, layout access road and erect residential development, comprising dwellings, sheltered accommodation (use Class C3) and care home (use class C2) and conversion of mill building to residential (indicative only), with car parking. This too was not considered acceptable and was withdrawn.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A detailed planning application was submitted in 2006 for 80 dwellings and the refurbishment of some of the existing buildings for employment use, but was withdrawn.
- 5.2 Discussions were recommenced in June and July 2008 where a draft layout was presented for a residential development comprising of a nursing home (C2) and dwelling houses (C3). Edited extracts from the written response provided to the applicant are set out below:
- 5.2.1 *Whilst in my view a mixed use scheme would be more preferable in planning terms, any redevelopment proposal must offer a high standard of urban design in a context which is sympathetic to a residential area and particularly one which lies on the fringe of the Guiseley Conservation Area.*
- 5.2.2 *There are some traditional buildings on site which are attractive and make an important contribution in providing local distinctiveness. As such these positively contribute to the character of the area in my view, where possible, these buildings should be retained and incorporated into any proposed scheme.*
- 5.2.3 *The character of the local area is dominated by distinctive stone terraces of generally a 2 and 2 ½ storey scale . The architecture is strong, uniformed, compact and linear. In my view, any scheme to redevelop this site must positively respond to this distinctive local character and reflect its intrinsic qualities in terms of form, pattern, space and movement.*
- 5.2.4 *The draft proposal as presented is dominated by a substantial residential home as a gateway feature into the site. In my opinion the orientation of this main block to the road is uncharacteristic of the area and appears set back rather awkwardly. It appears like a standard building type placed to fit without responding correctly to the local character. I have taken into account the prospective views breaks in the rhythm and alignment to the street scene, but I remain unconvinced of its appropriateness.*
- 5.2.5 *The public open space to the south west of the site, is well located and strongly related to the existing open space provision. In turn this should provide the opportunity to create improved usability, better accessibility and improved vistas. This is to be welcomed.*
- 5.2.6 *With regard to affordable housing, you should be aware that the Council's Executive Board has recently made two changes to its affordable housing policy and this came into effect on the 21st July 2008.*
- 5.2.7 *The first change is to increase the affordable housing targets to accord more closely with the recently adopted regional policy (Policy H4 of the Yorkshire & Humber Plan). All other existing housing policy remains in force. The effect of such in relation to this particular proposal will be a requirement for a 30% affordable housing provision.*
- 5.2.8 *The second change will be the introduction of guidelines to influence the mix and sizes of dwellings. New –build residential development should provide:-*
- *At least 65% of new dwellings as houses with gardens, including private communal gardens as appropriate.*

- *At least 40% of new dwellings to be 3 or more bedroom in size.*

5.2.9 *In relation to the scheme presented, in my opinion, the nursing home would be classed as a residential institution (C2), therefore affordable housing would not be required. The remainder of the development including the reference to units for 'assisted living' are classified as dwelling houses (C3) and will require affordable housing to be provided at a 30% provision.*

5.2.10 *In respect of highway issues, there is a requirement to provide a continuous footway along the site frontage. The proposal must also be designed in accordance with the Street Design Guide. Additionally you will be aware that a transport assessment will be required to accompany an application of this nature as well as a green travel plan.'*

5.3 The current application has not been the subject of a formal pre-application submission, although there has been some ongoing dialogue between officers and the applicants. The application is similar in content to the application submitted in January 2009 (09/00107/OT), the key difference being a revision to the design of the assisted living block. Previously the block included three wings arranged in a broadly perpendicular fashion, whereas the current proposal is more linear in form, with some lower elements closest to the Springfield Road / Well Lane frontage. The former application was withdrawn prior to determination.

5.4 A meeting was held on 2nd February 2010 between officers, the applicants and Ward Members Councillor Graham Latty and Councillor Stuart Andrew to discuss issues raised by the application. A public consultation event involving the same Councillors and Council officers took place at Aireborough Leisure Centre on 10 February 2010, while other public consultation events were held by the applicants on 22nd and 23rd March 2010.

5.5 Members will recall that a Position Statement was presented to the Plans Panel West meeting of 18th February 2010. At that meeting, Members commented generally on the change in the nature of Guiseley from a thriving commercial centre to a largely dormitory town, and went on to discuss the following:

- Principle of the proposals: a desire to see strong evidence that the site was not required for employment use, and a previously expressed concern that units which could house small local businesses appears to have been ignored;
- Character of the conservation area: the design of the scheme, including large three storey blocks, would not be appropriate to the character of the conservation area; use of appropriate materials;
- Highways: access and highway infrastructure concerns; difficulty of considering access arrangements when there was a lack of clarity regarding the nature of the proposed uses;
- Developer contributions: 30% affordable housing should be provided, spread throughout the site.
- Sustainability: the importance of achieving the right mix of uses on the site, in particular in relation to the demographic profile of Guiseley;
- Other issues: potential for land contamination due to former industrial use.

- 5.6 The Chair of the Panel highlighted the number of concerns raised, and questioned whether these could be successfully addressed through revisions rather than refusal at this point in the process. Following the Panel meeting the applicant has requested that the application be determined as it stands.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application has been advertised by means of site notices dated the 7th January 2010, neighbour notification letters dated 24th December 2009, and a notice published in the Leeds Weekly News dated 7th January 2010. Copies of all plans and supporting information have also been made available at Guiseley Library. To date 56 representations have been received including correspondence from the local MP. Of these, 54 are objections and two are letters of support. The main points of objection can be summarised as follows:
- 6.2 Mr. Paul Truswell MP, states that whilst the application is in outline form, it is also necessary to raise and consider broader issues. In particular concern is expressed in relation to increased traffic movements and further pressures being placed on existing access and parking facilities. Further comments are made in respect of wider issues, questioning the need for the development and the fact that there is an oversupply of housing in the Guiseley area.
- 6.3 Other letters of objection raise concerns that:-
- The proposed development is out of character with the area;
 - The scale and proportions of the units are too excessive;
 - Loss of privacy and overlooking issues;
 - Increased noise and disturbance;
 - The proposal will result in increased traffic congestion on a road of substandard; width, causing noise and disturbance, damage and create issues of road safety;
 - There is an insufficient amount of on street car parking in the area and the development will exacerbate this problem;
 - The demolition waste may contain hazardous substances;
 - Loss of traditional buildings;
 - There is already an oversupply of retirement accommodation in the area;
 - Large buildings of the scale proposed are out of keeping with the area and will fail to preserve or enhance the adjacent conservation area;
 - Proposals will place extra pressure on already stretched health services and other related infrastructure such as schools;
 - Access to and from the site by construction vehicles will have serious implications for road safety;
 - Noise and disturbance associated with the development of the site will harm the living conditions of surrounding residents; and
 - Insufficient details have been provided to deal with waste disposal, foul sewage, flood risk and land contamination issues.

7.0 CONSULTATIONS RESPONSES:

- 7.1 More detailed summaries of the consultation responses were provided in the Position Statement considered by Panel Members at the Plans Panel meeting of 18th February 2010. An outline of the mains points raised are provided below:

Statutory:

ENVIRONMENT AGENCY:

- 7.2 No objections subject to conditions being appended to any subsequent planning consent relating to improvement of the existing surface water disposal system.

YORKSHIRE WATER:

- 7.3 The submitted site layout details and Flood Risk Assessment are not acceptable to Yorkshire Water as the proposed new buildings would be located over the line of existing sewers;
- 7.4 The local public sewer network does not have capacity to accept any **additional** discharge of surface water from the proposal site. Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hard standing, may be a suitable solution for surface water disposal;
- 7.5 An off-site foul and an off-site surface water sewer may be required.

MAINS DRAINAGE:

- 7.6 A public sewer crosses the site which also serves the area north of the site; and
- 7.7 It has been determined that the surface water discharges from the site go to the watercourse which crosses the site.
- 7.8 Not enough investigation has been undertaken to discount the option of using infiltration drainage methods for any part of the surface water disposal; conditions are recommended.

HIGHWAYS:

- 7.9 The submitted TA indicates that the junctions of the A65 / Oxford Road and A65 / The Green are already operating above theoretical capacity;
- 7.10 Submitted calculations don't include programmed addition of pedestrian facilities on A65, and traffic flows used in the TA are from 2006 but growthed to 2008;
- 7.11 Impact on junctions needs to be re-assessed with up to date information;
- 7.12 Applicant must contribute toward cost of TRO's on Springfield Road / Wells Road

Non-statutory:

METRO:

- 7.13 Real time information displays should be installed within the residential units, particularly in any communal areas to give maximum exposure to residents.

7.14 The development qualifies for the application of the SPD for public transport contributions for the North West sector; funding obtained through the SPD could be used for station improvements at Guiseley.

7.15 The travel plan content needs to be strengthened.

NGT / PUBLIC TRANSPORT TEAM:

7.16 The proposed use will have a significant travel impact.

7.17 Under the terms of the SPD guidance, a financial contribution proportionate to the travel impact of the scheme will be required towards the cost of providing the strategic transport enhancements (detailed in the SPD) which are needed to accommodate additional trips on the network.

7.18 The formula within the adopted SPD gives a required public transport contribution of **£78,478**.

CONTAMINATED LAND:

7.19 No objection to planning permission being granted, as long as conditions and directions are applied.

7.20 Development shall not commence until a Phase II Site Investigation Report has been submitted and approved in writing.

TRANSPORT POLICY (TRAVEL WISE):

7.21 In accordance with the SPD on Travel Plans the Travel Plan should be included in a Section 106 Agreement.

7.22 A residential travel plan is also required.

7.23 The travel plan needs to include information on pedestrian, cyclist and wheelchair access to the site and nearby facilities.

7.24 The care home/assisted living travel plan needs to make clear which measures will be promoted to staff, residents and/or visitors. At present the travel plan does not promote all measures to all groups.

7.25 Real time information screens should be provided within the reception area of the assisted living and care home, and also in the communal areas of any flats. Residential MetroCards should be provided and a MetroCard scheme should be set up for staff.

7.26 The travel to work target of the travel plan is not very ambitious. A 58% single occupancy target is suggesting that the site will not operate any differently from a residential site without a travel plan.

7.27 It needs to be clear how the travel plan will be passed on at each stage of the development to reach the management personnel responsible for each establishment.

ENVIRONMENTAL HEALTH:

- 7.28 No objection in principle to this outline application subject to suitable noise attenuation measures being provided; conditions are recommended.

NATURE CONSERVATION:

- 7.29 The bat survey is acceptable.
- 7.30 Condition regarding a biodiversity enhancement plan required.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan consists of the Regional Spatial Strategy for Yorkshire and the Humber adopted in May 2008 and the Leeds Unitary Development Plan Review (2006).
- 8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below.
- 8.3 Regional Spatial Strategy adopted May 2008:
- H1: Provision and distribution of housing;
 - H2: Managing and stepping up the supply and delivery of housing; and
 - H5: Housing mix.
- 8.4 UDPR Policies:
- SA1 Securing the highest environmental quality;
 - SP3: New development should be concentrated within or adjoining the main urban areas and should be well served by public transport;
 - SP4: Public transport infrastructure;
 - GP5: General planning considerations;
 - GP7: Guides the use of planning obligations;
 - GP9: Promotes community involvement during the pre-application stages;
 - E7: Retention of Employment land;
 - BD2: Design of buildings should complement skylines and vistas;
 - BD5: Consideration to be given to amenity in design of new buildings;
 - H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy;
 - H3: Delivery of housing land release;
 - H4: Residential development on non-allocated sites;
 - H11, H12 and H13 Affordable Housing;
 - LD1: Criteria for landscape design;
 - N2 and N4: Provision of green space in relation to new residential developments;
 - N12: Development proposals to respect fundamental priorities for urban design;
 - N13: Building design to be of high quality and have regard to the character and appearance of their surroundings;
 - N18A to N22: conservation areas;
 - N23: Incidental open space around new built development;
 - N25: Seek to ensure the design of boundary treatments is positive;
 - N38B and N39A: set out the requirement for a Flood Risk Assessment;

- T2: Seeks to ensure that developments will not create or materially add to problems of safety, environment or efficiency on the highway network;
- T2C Green Travel Plans;
- T2D Developer Contributions;
- T15: Improving vehicle accessibility; and
- T24: Requires parking provision to reflect detailed guidelines.

8.5 Supplementary Planning Guidance:

- Affordable Housing (SPG3);
- Interim Affordable Housing Guidance – Issued 2008;
- Greenspace relating to new housing development (SPG4);
- Neighbourhoods for Living (SPG13); and
- Sustainable urban drainage (SPG22).

8.6 Supplementary Planning Documents:

- Public Transport Improvements and Developer Contributions; and
- Travel Plans.

8.7 National Planning Policy Guidance:

- PPS1: Delivering Sustainable Development;
- PPS3: Housing;
- PPS5: Planning for the Historic Environment;
- PPG13: Transport;
- PPG15: Planning and the Historic Environment; and
- PPS25: Development and Flood Risk.

9.0 MAIN ISSUES:

9.1 Having considered this application and representation, it is the considered view that the main issues in this case are:

- Principle of development / loss of employment land;
- 'Assisted living' proposals;
- Design issues and Impact on the character of the area;
- Impact on highway network;
- Public transport infrastructure;
- Greenspace / landscape / tree issues;
- Affordable housing;
- Drainage; and
- Conclusion.

10.0 APPRAISAL:

Principle of development/loss of employment land:

10.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004, indicates that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise.

10.2 The application site lies within the urban area of Guiseley and has no specific land use proposal in the UDP Review (2006). Residential proposals which affect such

areas will be treated on merit and subject to the requirements of housing policies H3 and H4.

- 10.3 Ordinarily the proposal would be considered acceptable in sequential terms as the Policy H3 identifies unallocated brownfield windfall sites as being within Phase 1 of Housing allocations which runs from 2003-2008. The site lies within an existing residential settlement on the edge of the town centre which is already served by existing infrastructure capable of serving a development of the scale proposed subject to the provisos set out below. The proposal could be considered to comply with Policy H4 and the general principles of PPS3 in respect of raising density and locating new housing within existing settlements.
- 10.4 Policy E7 of the UDP (as modified) requires that development on land last in employment use should only be permitted where:
- 10.4.1 The site is not reserved for specific types of employment use under policies E8 and E18;
- 10.4.2 Sufficient alternative employment sites exist district wide and are readily available in terms of quantity and quality so as not to prejudice the achievement of employment land strategy through policies E1 and E2;
- 10.4.3 Within the locality there are sufficient alternative employment sites available in the locality so as not to prejudice opportunities for local employment uses; and
- 10.4.4 The proposal would not result in environmental, amenity or traffic problems.
- 10.5 To assist in any assessment, the applicants have produced a survey and employment land analysis. The report assesses the impact of the proposed residential development and the loss of employment land in the context of Policy E7.
- 10.6 In summary, it is concluded that the loss of this site for employment purposes would not prejudice the current supply of employment land and would not have any detrimental effect on the land supply for the area.
- 10.7 To accompany this submission the applicants have also produced details of a marketing report which indicates that over a period of 7 years the site has been marketed by a number of agents. It states the promotion of the site has been conducted in conventional form and included site boards and press coverage. In summary it concludes that whilst the smaller units have been let from time to time, the larger units have failed to attract any tenants. The reasons cited for the lack of market interest include:- the age and condition of buildings, accessibility issues and that the buildings do not meet the needs of modern business requirements.
- 10.8 The Council's policy data team has assessed the findings of the employment and marketing report and its contents are not disputed.
- 10.9 Against this background the principle of residential development is considered to be acceptable subject to compliance with all other development control issues.
- 10.10 However, Members comments regarding the desirability of retaining some of the existing buildings in employment use have been recommended to the applicant as a desirable element of any revised scheme.

‘Assisted living’ proposals

- 10.11 The applicant contends that the proposed assisted living accommodation would fall within Use Class C2 (residential institutions) rather than Use Class C3 (dwelling houses). This is a change from the previous application where a very similar building was shown as sheltered housing (C3). The applicant has indicated that this change is in response to demand from prospective operators.
- 10.12 The significance in planning terms is that affordable housing contributions and Greenspace provision are needed in support of C3 housing proposals of this scale, whereas C2 proposals would not attract any such contribution. A C3 housing development would also have a higher car parking requirement.
- 10.13 The applicant suggests that the use is differentiated from retirement accommodation by the level of care provided, and provides copies of two appeal decisions which, it is suggested, establishes the principle of the use class of this type of facility. These decisions indicate that a minimum of 1.5 hours of personal care for each resident per week would represent a level of care sufficient to establish the proposal as a C2 use, although other appeal decisions suggest that considerably more care would be required to place a use into the C2 Class.
- 10.14 Advice provided by Legal Services indicates that a legal agreement should be provided to establish what services would be provided and who would be eligible to live in the apartments. A further safeguard would be to require the premises to be registered with the Care Quality Commission, a body which requires all providers of health and adult social care to register if they provide regulated activities such as accommodation with nursing or personal care. Officers have also requested evidence of other comparable developments in order to help achieve a greater clarity of understanding as to the nature of the proposal.
- 10.15 However, such information has not been received. There is therefore a lack of clarity over the definition of the nature of the use of this part of the proposal. This therefore leads to difficulties assessing the appropriate level of contributions, such as greenspace and affordable housing, and the appropriate level of car parking.

Design issues and Impact on the character of the area:

- 10.16 Notwithstanding the fact that the application has been submitted in outline form with means of access as the only detailed consideration, the scheme has been accompanied by a Design and Access Statement and by indicative plans showing the scale and layout of the proposed development.
- 10.17 Within the design and access statement it is stated that the design is at an advanced stage and represents an efficient and effective use of the space to accommodate the uses proposed. The design submitted is therefore a material consideration.
- 10.18 The existing development is served by 3 entrances. Of these only one access of Well Lane is to be retained. It is proposed that the other two will be closed and a replacement access on Well Lane provided to maximise visibility. In addition, it is also proposed that a building which currently sits tightly against the carriageway will be partially demolished to create a section of footway along this section of highway.
- 10.19 A mix of 2, 2 ½ and 3 storey units are proposed throughout the development. The scheme also identifies an existing unit which, albeit partially demolished, to provide a footway along the site frontage, would be converted into apartments.

- 10.20 The most striking aspect of the development is the proposed assisted living unit located to the northern part of the site.
- 10.21 The modeling of this unit is based on the idea of single and two storey buildings closest to the northern boundary of the site with the higher three storey elements behind these. The applicant suggests that the length of the three storey wings equates to the lengths of existing terraces of house nearby. The building would comprise a series of linked elements arranged in an approximately linear fashion running north-south adjacent to the proposed access road.
- 10.22 To the south east of the site, a care home is proposed also of a three storey scale and illustrated as a right angled feature following the alignment of the site boundary. To the north east of the site it is proposed that a small courtyard feature is to be developed utilising the existing means of access off Springfield Road. This aspect of the development comprises of the proposed conversion of an existing mill building, which although partially demolished would provide 8 apartments.
- 10.23 Flanking the existing mill building and to the east, it is proposed that a pair of semi-detached houses would be developed. To the south of the courtyard it is also proposed that a detached 2½ storey apartment block would be developed comprising of 10 apartments aimed at providing affordable housing accommodation.
- 10.24 To the western side of the site, it is proposed that family housing would be provided. These units would be 2, 2½, and 3 storey; in a terraced form surrounding a cul-de-sac and comprising a total of 28 units.
- 10.25 The scheme also includes a discrete parking area for the assisted living block to the south of the building, and a proposed area of public open space in the south west corner of the site. The latter would connect to the existing public open space provision and would enhance it by providing a larger more meaningful piece of open space, as well as relieve an existing pinch point.
- 10.26 Overall it is considered that the principle of residential development is acceptable and, broadly speaking, the removal of the utilitarian commercial buildings should be welcomed. It is also the case that the site is close to the edge of the Town Centre and is in a sustainable location.
- 10.27 The character of the local area is dominated by distinctive stone terraces of generally a 2 and 2 ½ storey scale. The application site lies adjacent to the Guiseley Conservation Area.
- 10.28 The draft Guiseley Conservation Area Appraisal identifies the stone clad buildings to the northern part of the application site and stone perimeter wall as positive buildings and proposes to extend the boundary of the Guiseley Town Gate Conservation Area to include them.
- 10.29 The architecture of the area adjoining the site to the north is strong, uniform, compact and linear. It is therefore considered that any scheme to redevelop this site must positively respond to this distinctive local character and reflect its intrinsic qualities in terms of form, pattern, space and movement.
- 10.30 As previously described, the scheme as presented is dominated by a predominantly residential block as a key feature of the site. This unit is essentially of a three storey scale and formed by 3 wings arranged in linked blocks in a broadly linear fashion.

The units which adjoin Well Lane and Springfield Road are scaled down to single storey and two storey to help provide relief. However this having been said, the unit as a whole is of a considerable scale and massing and is contextually at odds with the character of the area with its domestic proportions. The area has a predominantly domestic and 'human' scale, and the large bulk of the assisted living block and care home would be inappropriate. This aspect of the development represents a standard building type placed to fit without responding adequately to the local character area. Local residents are also concerned that the interesting and attractive skyline with the church tower as a backdrop could also be lost when approached from Springfield Road, to the detriment of the visual amenity of the area.

- 10.31 Also of significant concern is the proposed loss of traditional mill buildings and stone perimeter wall on the site which reflect the historical architectural style of the area and make an important contribution to local distinctiveness. The recently issued PPS5 indicates that Local Planning Authorities can attach significant weight to the retention of identified 'heritage assets' even if they are not listed or within a conservation area. As such these structures positively contribute to the character of the area and should be retained and integrated into the design.
- 10.32 The loss of these buildings is therefore seen as a negative feature and does not offer an acceptable design solution contrary to Revised UDP policies GP5, BD2, BD5 N12, N13 and N19.
- 10.33 The remaining aspect of the development involves the introduction of family housing. Situated to the eastern part of the site and to the western part between the proposed sheltered housing accommodation and the care home. Whilst in broad terms the general design of these units seems to be acceptable, there remains concerns in relation to exposed rear gardens facing the access cul-de-sac and car parking areas.
- 10.34 Exposed rear gardens are generally not successful in design terms as they would present unattractive rear boundary treatments to the road frontage but also create a community safety issue as they would provide access to the rear of the properties with little surveillance.
- 10.35 The development as proposed also contains hard surfaced areas for parking provision which provide no or very little landscaping.
- 10.36 Overall it is considered that the design in its current format is unacceptable and offers no adequate design solution. The size of the main buildings is too large and appears out of character and unreflective of the urban grain of the area. It is also considered that the opportunity to utilise existing buildings has not been fully explored as a means of adding value to the character of the area and the way its functions. Against this background the proposal is considered to be substandard and does not reflect the requirements set in PPS1 and PPS3 as well as the Council's Supplementary Planning Guidance, Neighbourhoods for Living. The proposals are therefore contrary to GP5, BD2, BD5, N12, N13, N19 and LD1 of the Revised UDP.

Impact upon highway network:

- 10.37 The application seeks to consider the means of access only; however it is also important at this stage to assess the impact of the proposal on the associated road infrastructure. As a consequence the applicant has also produced a Traffic Assessment and Green Travel Plan.

- 10.38 In assessment the Council's Highway Engineer has raised objections to the proposals. A major concern is the fact that Springfield Road is already heavily trafficked and on street parking is extremely limited; a point also borne out by the weight of public concern relating to these issues. This is also exacerbated by the physical constraints of this access road and general manoeuvrability and parking issues identified. As it is considered that the proposed development will lead to an intensification of use, in order to properly assess general accessibility an up to date traffic survey is required to assess the impact upon junctions and to indicate whether or not any traffic management measures are needed in the vicinity of the site.
- 10.39 Additionally officers have requested further information on the nature of the proposed use in order to assess the likely requirement for off-street car parking, however no such details have been received. It has not therefore been possible to adequately assess this aspect of the proposals.
- 10.40 In the absence of more up to date information, it is considered that the proposal includes inadequate information to enable an informed decision to be made regarding the impact of the proposal on the highway network, and the proposed development is therefore contrary to policies GP5 and T2 of the Revised UDP.
- 10.41 In relation to the submitted Green Travel Plan this is also considered to be inadequate. At present the travel plan covers the care home and assisted living blocks; a residential plan is also required.
- 10.42 In accordance with the SPD, a legal agreement would be required to provide a Travel Plan Monitoring fee, provision of a pedestrian link to the footpath to the west of the development, and provision of Metro Cards to prospective residents at subsidised rates for a period of time to help support and promote sustainable travel.
- 10.43 Further work would be required in respect of pedestrian and cyclist access, wheelchair access and the provision of real time information screens for public transport within communal parts of buildings.
- 10.44 The current proposals fail to provide adequately for the above. Against this background the scheme does not meet the planning policy requirements set out in the relevant SPD and is therefore contrary to policy GP5 of the Revised UDP.

Public Transport Infrastructure:

- 10.45 In accordance with the requirements of SPD Public Transport Improvements, a public transport contribution of £78,478 would be required. This has not however been covered in a Section 106 agreement. In the absence of such an agreement, the proposal does not comply with the SPD and Policy GP5 of the Revised UDP.

Greenspace /Landscaping and Tree Issues:

- 10.46 The scheme would attract Greenspace provision on site and a contribution under policies N2, N4 and guidance in SPG4 Greenspace relating to New Housing Development. The scheme as presented would therefore require an on site provision and a commuted sum payment to contribute towards enhancing off site POS provision. The indicative scheme submitted shows an on site provision of open space. Based on the number of units indicated there would therefore be a shortfall of on-site Greenspace, although as the site abuts Springhead Park it is considered that this shortfall can be dealt with through a financial contribution to enhancing existing Greenspace provision.

- 10.47 The required Greenspace contribution is calculated at £167,077.31. It is proposed that greenspace contributions be used to implement improvements to the existing greenspace adjacent to the site to ensure that the contribution directly benefits the new and existing residents of the local area.
- 10.48 While this may be acceptable, the application does not provide a commitment to any particular level of contribution. It would in principle be acceptable for the on-site shortfall to be made up by commuted sum payments. However, the absence of a legal agreement or draft heads of terms means that the proposal does not comply with the SPG and Policies N2 and N4 of the Revised UDP.
- 10.49 In respect of landscape issues, it is considered that the relationship of the proposed new housing and the proposed open space is poor, with a lack of fronting of the development to the open space, or of modification of ends of terraces to fulfil this. Much of the frontages to the care home would be dominated by parking, with only very narrow strips of buffer planting proposed. Additionally there is no defined amenity space allocated to the former mill conversion building, and a very unclear boundary between the affordable unit gardens and the assisted living curtilage.
- 10.50 The lack of levels or cross sections means that it is difficult to assess the usability of the POS or its relationship to the existing greenspace. There may also be negative implications for off-site trees in Council ownership close to the care home at the south of the site. The site is likely to have a history of contaminating uses; this has a direct implication for levels and landscaping if material has to go off-site.
- 10.51 The applicant has produced a tree report to accompany this application but no indicative landscape scheme.

Affordable Housing:

- 10.52 Council policy requires that on sites where 15 or more units are proposed affordable housing will be required. In this location the Council's Affordable Housing Interim Planning Guidance indicates that 30% of the total number of units should be affordable. In this case, the applicant has not submitted a viability assessment as part of the application. However some discussions have been held with the Council's Asset Management Unit regarding this issue, who have indicated that viability details submitted to them suggest that the entire scheme is unviable and as such it would not be possible for the site to deliver an amount of affordable housing consistent with these policies.
- 10.53 The Council's Senior Development surveyor, in assessing the viability assessment, is of the view that it is unreasonable and unrealistic to assume, in the circumstances described, that the site owner would remain prepared to develop this site for this purpose and accept a commercial loss.
- 10.54 The application proposes a legal agreement to ensure that the Council agrees to consider updated viability assessments at the time of the reserved matters applications. The application further suggests that the appraisal parameters be agreed now as part of the current application. This would not be acceptable to the officers; it suggests that a reduced provision of affordable housing is implicit, and it would bind the Council to assessing future viability by parameters set now, which may of course not be applicable at some time in the future when economic circumstances change.

- 10.55 In this context the development is at odds with UDP policies H11, H12, and H13 and the related SPD.
- 10.56 Furthermore it is also the case that the affordable housing provision has been offered as a separate development and unreflective of the general mix of development presented. This is also at odds with the Council's policy and general approach in promoting and encouraging social cohesion.

Drainage:

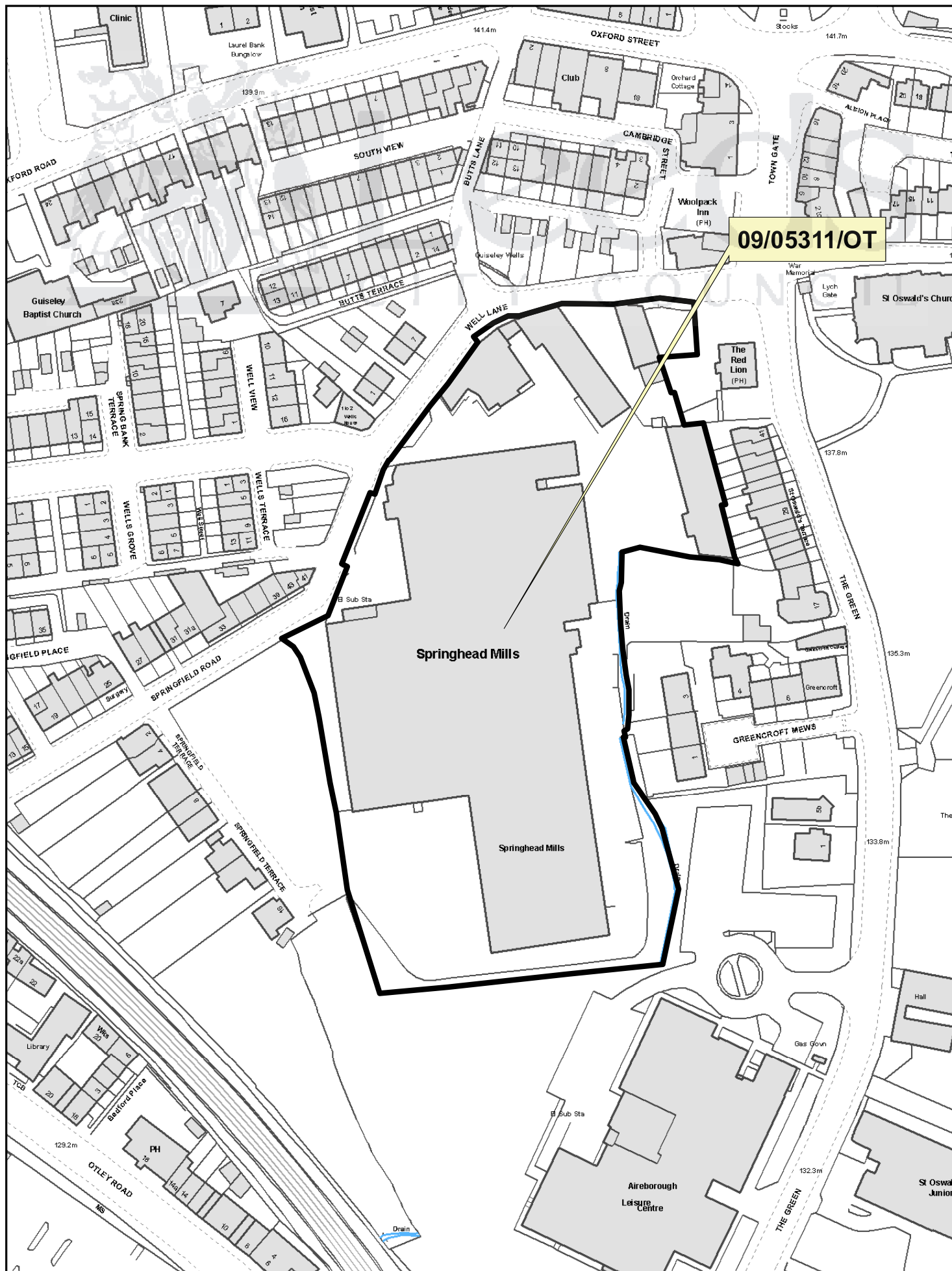
- 10.57 Comments received from Yorkshire Water raise objections to the proposals in respect of building over the line of existing sewers. While this is the case, sewer plans indicate that the line of the existing sewer runs adjacent to the existing mill building, close to the eastern site boundary. It would therefore be feasible to re-site the proposed buildings sufficiently to provide the required easement. Local residents have raised concerns about the drainage of the site, in particular in respect of the presence of a high water table. However consultations with the statutory drainage body indicates that there would not be grounds to resist the proposals on drainage grounds.

11.0 CONCLUSION:

- 11.1 After careful consideration of all relevant planning matters it is considered that the proposed development is unacceptable and does not comply with the planning policies set out in the Leeds Unitary Development Plan Review (2006) and supplementary planning guidance planning related to affordable housing, greenspace, green travel and public transport infrastructure.
- 11.2 In the absence of more up to date information, the LPA considers that the proposal includes inadequate information to enable an informed decision to be made regarding the impact of the proposal on the highway network, and the proposed development is therefore contrary to policies GP5 and T2 of the Revised UDP
- 11.3 In terms of general design, and whilst it is accepted that the development is submitted in outline form, the indicative layout is not of an acceptable quality and fails to make positive contribution towards the character of the area or to preserve or enhance the character of the conservation area.
- 11.4 Against this background, it is recommended that the application is refused.

Background papers:

Application File 09/05311/OT
and
Previous application File 09/00107/OT



WEST PLANS PANEL

Scale 1/1500



Originator: Mathias Franklin
Tel: 0113 247 7019

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th April 2010

Subject: APPLICATION 10/00779/EXT. Extension of time of planning application 06/02738/FU for 3 and 4 storey block of 3, 5 and 6 bed apartments (47 beds in 11 clusters) with 14 car parking spaces
Address: 45 St Michaels Lane, Headingley

APPLICANT
10/00779/EXT

DATE VALID
19.02.2010

TARGET DATE
21.05.2010

Electoral Wards Affected

Headingley

☐ Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION

DEFER AND DELEGATE the approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and completion of a legal agreement within 3 months from the date of resolution unless agreed otherwise in writing by the Chief Planning Officer to cover a financial contribution of £26,555.86 for Public Open Space provision off-site.

1. Development to commence within 3 years.
2. Samples of walling and roofing material to be approved prior to commencement of development
3. Samples of all surfacing materials to be approved prior to the commencement of development
4. Landscape scheme to be submitted and approved prior to the commencement of development
5. Car parking areas to be laid out and drained surfaced and sealed prior to first use.
6. Cycle and bin stores details to be provided and approved before first occupation.
7. Implementation of hard and soft landscaping scheme
8. Replacement tree provision
9. Landscape maintenance provisions to be approved before first occupation

10. Phase 1 site investigation report to be submitted and approved prior to the commencement of development
11. Phase 2 site investigation report to be submitted if phase 1 (condition above) demonstrates contamination on site.

In recommending the granting of planning permission for this development it is considered all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Leeds Unitary Development Plan 2006 Review (UDP).

UDP Policies H15, GP5, BD5, N2, N4, N12, N13, LD1, T2.
Neighbourhoods For Living SPG

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

1.0 INTRODUCTION:

- 1.1 This application is brought to Panel at the request of Councillor Monaghan and due to the scale and amount of development on the site and due to the planning history of the site. The paragraphs below provide Members with information on how to assess Extension of Time Planning Applications.
- 1.2 It is only possible to apply to replace a planning permission in order to extend the time limit for implementation if the permission is extant at the time of this application, was extant on 1 October 2009, and if the development has not already commenced. This scheme meets the eligibility criteria.
- 1.3 Planning permissions are granted subject to time limits for implementation, which are set out in a planning condition. This condition will specify that the development must be begun before a certain date. Under s. 91 of the Town and Country Planning Act 1990, there is a default time limit of three years for a full planning permission.
- 1.4 In current circumstances, LPAs are advised to take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, LPAs should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission.
- 1.5 LPAs do not have to grant planning permission for an extension of time. This process is not a rubber stamp. LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.

2.0 PROPOSAL:

- 2.1 This application relates to an Extension of the time limit for the implementation of application 06/02738/FU which was allowed on appeal in 2007. The scheme was for a student development comprising 47bedspace in a part 3 and 4 storey block of 3,5 and 6 bedroom apartments (47 bed= 11 cluster flats) The site is a small narrow piece of land adjacent to the cricket school. The previous application was broadly similar in its built form to that approved by Panel in 2005 the main difference between the scheme approved in 2005 and that allowed on appeal and the subject of this application is that the central section of the previously approved application was two storey and the current proposal is a three and four storey development. The scheme is also more intensively occupied comprising of 11 cluster flats for students/non students with a total of 47 bedroom spaces. This will be served by 14 parking spaces. The previous application proposed to utilise the internal space to create 14 two bedroom and 1 one bedroom flats (27 beds) served by 10 parking spaces. The scheme approved in 2005 had a condition attached restricting occupancy to exclude students. The Inspector however, did not support the retention of this condition when he allowed the appeal for the 2006 application which was granted approval on appeal in 2007.
- 2.2 This application has not be altered in design, layout, use or appearance from the scheme allowed on appeal. This application therefore seeks to extend the time limit for implementation of development by an additional 3 years. No other alterations are proposed.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located on the eastern side of St Michaels's Lane opposite the recently completed new stand to the Rugby Ground and the hotel facility which is part of a recent re-development of the Cricket Ground. The site has a narrow frontage onto both St Michael's Lane and Back Broomfield Crescent. The site is generally flat with no visually obvious slope and is bounded by semi-detached houses to the South and the Cricket School to the North. The location is in close proximity to Headingley Town centre which is well served by a regular bus service running to and from the city centre. The area is dominated by the two sports grounds and following recent redevelopment they present a contemporary alternative to the more traditional close-knit surrounding residential area. The site is vacant and has recently been cleared.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 06/02738/FU: Part three and four storey block of 11 student and non student cluster flats with 47 bedrooms and 14 parking spaces. (Allowed on appeal 2007)
26/578/04/FU, 45 St Michaels Lane, Part two storey part four storey block of 14 two bedroom and 1 one bedroom flats with 10 covered parking spaces (approved).
26/393/03/OT & 26/261/05/RM, 10 Broomfield Crescent located to the South of this site, Outline application to erect four storey block of 16 flats (approved).
26/405/03/FU, 10 Broomfield Crescent, Change of use involving three storey extension and new third floor of care home to 8 two bedroom flats (approved).
26/201/00/FU, YCCC Cricket School, Two storey front extension (approved).
26/119/03/FU, 47 St Michael's Lane, Two storey side and single storey rear extension (refused).
26/01/04/FU, 47 St Michael's Lane, Single storey side and single storey rear extension (refused).

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 There have been no negotiations since this application was allowed on appeal.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by means of site notice and Press advert. There have been 62 letters of representation received. There are 61 objections from local residents and local amenity groups, including the Leeds HMO lobby. A generic letter has been used which residents have signed to object to the planning application.
- 6.2 The following comments have been made:
Concerns over design and appearance
Impact on the mix and balance of the communities
Over supply of student accommodation
Noise disturbance, anti social behavior
Litter and pollution
Car parking and highway safety
Impact on Back Broomfield Street and St Michael's Lane
Only allowed on appeal, rejected by local community
- 6.23 Councillor Monaghan stated that ' He supports the views of the Leeds HMO lobby on this application and that due to this application being allowed on appeal that it should be brought back before Members for discussion, particularly in the light of the Glassworks appeal decision.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

Highways: No objections to the proposal as the scheme is unchanged from that allowed on appeal.

Mains Drainage: No objection, subject to conditions attached remaining unchanged.

8.0 PLANNING POLICIES:

Development Plan

The land is unallocated in the Unitary Development Plan. There are a number of relevant policies as follows:

Policy GP5: Development should resolve detailed planning considerations.

Policy T2: Development to be capable of being served by highway network.

Policy T24: Parking provision.

Policy BD5: new buildings design consideration given to own amenity and surroundings

Policy N2: Refers to the provision of public open spaces within residential developments

Policy N4: establishes the hierarchy of public open space

Policy N12: refers to all development proposals should respect fundamental priorities for urban design.

Policy N13: refers to design of new buildings should be of high quality and have regard to character and appearance of surroundings.

Policy T2D: refers to proposals that would otherwise be unacceptable due to public transport accessibility issues being address through developer contributions or actions to make enhancements, the need for which arise form the proposal.

Policy LD1: refers to all landscape schemes should meet specific criteria

Policy H15: Relates to residential development likely to be occupied by students in the area of housing mix

Neighbourhoods For Living SPG

9.0 MAIN ISSUES

1. Principle of development
2. Assessment of the change in Planning Circumstances since the appeal scheme was allowed in 2007.

10 APPRAISAL

- 10.1 The guidance on determining applications for the extension of time to implement planning permission advises Local Planning Authorities that the 'principle' of the development has already been established by the original permission. Accordingly, as the proposal is unchanged in design, appearance, layout, scale and in all other regards, the principle of the development is considered acceptable and should not be the focus of the debate in determining this application. Rather it is the consideration of any change in material planning circumstances that have taken place since this application was allowed on appeal in 2007.
- 10.2 The Unitary Development Plan had been reviewed in 2006 prior to the determination by the Plans Panel of this application. Policy H15 was used in the assessment by the Members and was also used by the Planning Inspector in his consideration of the merits of the appeal. There have been no new planning policy developments that relate either to the Area of Housing Mix or to the particulars of this development since the appeal scheme was allowed. There have been several documents prepared by the Universities and Local amenity groups relating to the issues of student developments in the Area of Housing Mix and the over supply of student accommodation in the locality, such as the Unipol Report into student Housing. That report highlights that there are about 4,000 spare bedspaces in the locality. This surplus could be viewed as showing that the Area of Housing Mix policy is working and the combination of the growth in purpose built and open market apartments in and around the City Centre has attracted students away from the traditional housing stock in the Area of Housing Mix. It is considered that this current scheme was unlikely to have a serious impact on the objectives of the Area of Housing Mix and can also be considered to be contributing towards the easing of pressure on the existing housing stock in the Area by reason of providing purpose built accommodation at a scale and design that is compatible with the surrounding area and local character.

- 10.3 It is also noted that the 2006 application was refused by the Panel in line with officer recommendation before being allowed on appeal in 2007. Members may recall that in addition to the two reasons for refusal suggested by Officers, Members wished to add a third reason relating to the design of the scheme. It noted that the Planning Inspector who allowed the appeal in 2007 made a full assessment of the scheme against the criteria of Policy H15 and found that the development was in line with the policy approach and its overall objectives. The Inspector concluded that “ *In reaching my decision I have taken into account all of the matters raised. I acknowledge the concerns of local residents about the imbalance in the community with such a high proportion of student housing already being provided in the area and in this respect, that the Leeds HMO Lobby considers the proposals to be contrary to the spirit of Policy H15 of the UDP. I do not find this to be the case in the light of the changed emphasis of Policy H15 as adopted. Unlike its predecessor draft version of the adopted policy does not seek to prevent further student accommodation being provided in Headingley but sets out criteria that must be met if it is to take place within the Area of Housing Mix. I have found that, in this case, those criteria will not be offended. This may not be the case in respect of all other proposals for such accommodation*” (Page 6 Inspectors report APP/N4720/A/06/2028013)
- 10.4 The change in planning circumstances which seems most relevant to the determination of this planning application is that of the dismissed appeal at the former Glassworks site on Cardigan Road in 2008. Although it is noted that there have been other recent decision on student accommodation schemes in and around the Area of Housing Mix, the Glassworks decision is the most comparable in terms of location, though the scale of that scheme compared to this application is substantially different. That scheme was for a purpose built student scheme for about 250 student bedspaces. The Inspector dismissed that appeal on the grounds of design, over development and impact on the local community through a substantial increase in student numbers. Whilst this decision was positive in planning terms it is not considered sufficient to justify resisting this extension of time application given this scheme is for 47 bedspaces which is over 200 less than that at the Glassworks. In addition the design of the scheme is much more in keeping with the character and appearance of this street and area. The Glassworks proposal was a substantial form of development that was out of keeping with its locality. Furthermore given the nature of the application site and its constraints this parcel of land would not be suitable for many forms of development other than apartment based schemes. As such it is considered that this application is not as intensive or as prominent in the area than the Glassworks scheme was and in addition the scale is substantial less intensive.
- 10.5 The appeal at the Glassworks was made after this scheme at St Michael’s Road was allowed on appeal. The Glassworks scheme was solely for students where as this application is for both student and non student occupiers. In addition the size and scale of the Glassworks development is considered substantially larger than this scheme. In addition The assessment of the impact of the Glassworks appeal decision had factored into account the impact of existing student development (both built and with planning permission). As such although the Glassworks appeal decision is considered a relevant material planning consideration due to the factors outlined above it is not considered reasonable to attach significant weight to this consideration such that a refusal of this application could be justified on this basis alone.

11.0 CONCLUSION

- 11.1 It is considered that there has not been a change in planning circumstances to justify refusing this development. The scale, design and intensity of the scheme were considered by the Planning Inspector to be acceptable when the appeal was allowed. It is also noted that this application is not exclusively for student occupiers and could be available for occupation by none students. The request for an extension of time for the implementation of this development is recommended to Members.

Background Papers:

Application file: 10/00779/EXT & 06/02738/FU, appeal decision 2007

Panel Resolution: 58. **Application 06/02738/FU - Part Three and Four Storey Block of 11 Student and Non Student Cluster Flats with 47 Bedrooms and 14 Parking Spaces, 45 St Michaels Lane, Headingley**

- [Find out more about item 58.](#)

Minutes:

Site plans and architects drawings of the proposals were displayed at the meeting. Additionally plans of a previously approved scheme for non student flats on the same site with undercroft car parking were displayed for reference

The report set out proposed reasons to refuse the application

Officers expressed concern at the intensive nature of the proposals and dominant impact on adjacent dwellings and requested an amendment to reason 3 of the proposed reasons to refuse

Members requested that the reasons be amended in order to express the Panel's concern about the density and intensity of the proposals

RESOLVED – That the application be refused for the following reasons (noting an amendment to Reason 3 which is underlined) together with the inclusion of some wording to cover the concerns of Panel about density and intensity:

- 1) The Local Planning Authority considers that the addition of a third floor to the central section of the scheme would result in the formation of an over-dominating feature overlooking and resulting in significant detriment to the amenity and outlook of the adjacent residential dwellings and in obstructing the mechanical air vent serving the cricket school detrimental to the users of that facility, contrary to Policies GP5, BD5 and H15 of the Unitary Development Plan.
- 2) The Local Planning Authority considers that the parking provision would not be adequate for the proposed mixed student and non-student scheme and would therefore result in additional on-street parking in an already congested location of significant detriment to the free and safe flow of traffic, contrary to Policies GP5, T2, T24 and H15 of the Unitary Development Plan.
- 3) The Local Planning Authority considers that the proposed scheme is likely to be occupied by students to the significant 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, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1.

PLANS PANEL WEST 10 AUGUST 2006

REPORT OF THE CHIEF PLANNING AND DEVELOPMENT SERVICES OFFICER

WARD:	Headingley	Application:	06/02738/FU
Address:	45 St Michaels Lane Headingley, Leeds LS6 3BR	Applicant:	R M P Properties (Headingley) Ltd
Proposal:	<u>Part three and four storey block of 11 student and non student cluster flats with 47 bedrooms and 14 parking spaces</u>		

RECOMMENDATION:
REFUSE permission for the following reasons:

The Local Planning Authority considers that the addition of a third floor to the central section of the scheme would result in the formation of an overdominating feature overlooking and resulting in significant detriment to the amenity and outlook of the adjacent residential dwellings and in obstructing the mechanical air vent serving the cricket school detrimental to the users of that facility, contrary to Policies GP5, BD5 and H15 of the Unitary Development Plan.

The Local Planning Authority considers that the parking provision would not be adequate for the proposed mixed student and non-student scheme and would therefore result in additional on-street parking in an already congested location of significant detriment to the free and safe flow of traffic, contrary to Policies GP5, T2, T24 and H15 of the Unitary Development Plan.

The Local Planning Authority considers that the proposed scheme will be occupied by students to the significant 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, contrary to Policy H15 of the Unitary Development Plan and national guidance contained within Planning Policy Statement 1.

Introduction:

The application has been brought before the plans panel due to the large volume of objections received from member of the public, concerns expressed by local ward Councillors and due to the planning history of the site.

Proposal:

The proposal development has been based on a previous application (26/578/04/FU) approved by the Plans Panel in 2005 following a site visit. The site is a small narrow piece of land adjacent to the cricket school. The previous application was broadly similar in its built form, however there are several important differences between the two applications. The central section of the previously approved application was two storey and this is now proposed to be three storey. The scheme is now proposed to be more intensively occupied comprising of 11 cluster flats for students/non students with a total of 47 bedroom spaces. This will be served by 14 parking spaces. The previous application proposed to utilise the internal space to create 14 two bedroom and 1 one bedroom flats (27 beds) served by 10 parking spaces. A condition was attached to the previously approved application restricting the occupation of the flats to non-students. However, the policy guidance of H15 (relating to student accommodation) has changed since the previous refusal, and the application is now assessed against the Inspectors amended H15 policy in the adopted UDP review.

Site and Surroundings:

The site is located on the eastern side of St Michaels's Lane opposite the almost complete new stand to the Rugby Ground and the hotel facility which is part of a recent re-development of the Cricket Ground. The site has a narrow frontage onto both St Michael's Lane and Back Broomfield Crescent. The site is generally flat with no visually obvious slope and is bounded by semi-detached houses to the South and the Cricket School to the North. The location is in close proximity to Headingley Town centre which is well served by a regular bus service running to and from the city centre. The area is dominated by the two sports grounds and following recent redevelopment they present a contemporary alternative to the more traditional close-knit surrounding residential area. The site is vacant and has recently been cleared.

Relevant Planning History:

26/578/04/FU, 45 St Michaels Lane, Part two storey part four storey block of 14 two bedroom and 1 one bedroom flats with 10 covered parking spaces (approved).
26/393/03/OT & 26/261/05/RM, 10 Broomfield Crescent located to the South of this site and currently under construction, Outline application to erect four storey block of 16 flats (approved).
26/405/03/FU, 10 Broomfield Crescent, Change of use involving three storey extension and new third floor of care home to 8 two bedroom flats (approved).
26/201/00/FU, YCCC Cricket School, Two storey front extension (approved).
26/119/03/FU, 47 St Michael's Lane, Two storey side and single storey rear extension (refused).
26/01/04/FU, 47 St Michael's Lane, Single storey side and single storey rear extension (refused).
26/188/04/FU, 47 St Michael's Lane, Single storey side and single storey rear extension (approved).

Statutory Consultations:

None.

Non Statutory Consultations:

Highways: On balance no objection subject to: Cycle parking provision increased from 8 to 25, restriction to prevent non-student occupation due to parking provision and standard conditions regarding surfacing and sightlines.

Environmental Health: The proposal will block off the mechanical air vent serving the cricket school, which is considered unacceptable unless the vent is relocated or that the activities are relocated.

Minerals & Waste: Clarification required as to the validity of the site investigation report and its conclusions as the report was prepared in relation to the previously approved application.

Learning & Leisure: No known claimed public rights of way are affected.

Architectural Liason Officer: Very high crime rate in this area and given the type of occupation the proposal should be built without compromise to security.

Public/Local Response:

There has been a large volume of objections from local residents (28) and concerns expressed from local ward members (3) in relation to this application.

Cllr Morton is concerned regarding the student occupation of this building and the precedent a decision to approve this application would set for future developments of this type in the northwest Leeds area.

Cllr Illingworth considers that the scheme would exacerbate the over-concentration of transient tenancies in this area contrary to the Inspectors recent recommendations regarding the Area of Housing Mix and the diversity of the local population.

Cllr Atha supports the comments of both the above Ward members.

The concerns raised by members of the public centre around the following main points:-

- The proposal will further unbalance the local population leading to an impact on the amenity of local residents and detrimental to the sustainability of the area.
- The proposal does not provide sufficient off-street parking.
- The proposal is too intensive for the site.
- It is out of character with the prevailing streetscene.
- It will be detrimental to the amenity of local residents due to its proximity to other dwellings.

Planning Policies:National Planning Policy

Planning Policy Statement 1: Sustainable Communities and 'good' design.

Planning Policy Guidance 3: Housing.

Unitary Development Plan –

Policy GP5: Refers to development proposals should seek to avoid loss of amenity.

Policy H15: Student housing will only be allowed within a defined area of northwest Leeds subject to meeting strict criteria with the aim of addressing the unbalanced nature of the community in this area.

Policy BD5: In the design of new buildings consideration should be given to own amenity and surroundings.

Policy N19: Refers to all new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

Policy T2: refers to development capable of being served by highway network and not adding to or creating problems of safety.

Policy T24: refers to parking guidelines for new developments.

MAIN ISSUES

Impact on the amenity of local residents.

Impact on the Area of Housing Mix.

Design.

APPRAISALDesign

The proposed scheme in essence represents an expansion upon a previously approved scheme (26/578/04/FU). The material differences between the two applications relate to the addition of a third floor along the central section and a re-arrangement of the internal layout providing cluster flats as opposed to two bedroom apartments. The central section has also been altered in its external design and the fenestration has been altered such that with the exception of the high level windows to the concave communal areas the rest of the windows present angled views in relation to the rear gardens of the adjacent dwellings. The alterations to the central section are considered to have resulted in a more aesthetically pleasing design.

Amenity

The alterations to the fenestration are intrinsic to the distinctiveness of the façade, however the increase in the number of windows with views of the properties and gardens of the adjacent dwellings is considered to result in an unacceptable increase in the levels of overlooking.

The intensification of the proposal through the addition of the third floor to the central section and through alterations to the internal layout are considered to have brought the scheme into conflict with local and national planning policies and guidance.

The site is very narrow which is symptomatic of its previous industrial use. The residential properties which border the site are also in close proximity to the shared boundary due to their main garden areas being located to the front rather than the rear. The addition of the central concave feature and the angled fenestration does bring the built form in closer proximity to the boundary shared with the properties of St Michael's Lane. The impact of this is accentuated by the addition of a further floor resulting in a three storey high structure with two floors above an under-croft parking area. This will significantly reduce the outlook available to the occupiers of the dwellings facing the site as it cuts across the valleys of the cricket school roof to the rear of the proposal. The outlook from all the rooms on the rear elevation of the dwellings opposite the site will effectively have their entire outlook obscured by the built form of the proposed scheme where as the previous scheme would have only exerted significant effects on the ground floor rooms. The garden areas of the adjoining properties will be dominated by the proposed three storey element, a situation which is exacerbated by the narrow nature of the application site and the shallow nature of the gardens. The addition of a third floor to the central section is therefore considered to result in the formation of an overdominating feature of significant detriment to the amenity and outlook of the adjacent residential dwellings.

Area of Housing Mix

The site lies within the boundaries of the Area of Housing Mix as recommended by the Inspector of the recently adopted UDP review, and as such for the development to be considered acceptable in principle, it has to be demonstrated that the proposal meets with criteria of policy H15. This policy is highlighted in full below.

WITHIN THE AREA OF HOUSING MIX PLANNING PERMISSION WILL BE GRANTED FOR HOUSING INTENDED FOR OCCUPATION BY STUDENTS, OR FOR THE ALTERATION, EXTENSION OR REDEVELOPMENT OF ACCOMMODATION CURRENTLY SO OCCUPIED WHERE

- I The stock of housing accommodation including that available for family occupation is not reduced in terms of quantity and variety*
- II there would be no unacceptable effects on neighbours living conditions through increased activity, either from the proposal itself or combined with existing similar accommodation*
- III The scale and character of the proposal would be compatible with the surrounding area*
- IV satisfactory provision made for parking provision, and*
- V The proposed would improve the quality or variety of the stock of student housing*

It is stated by the applicants that the scheme will provided student and non-student accommodation in the form of cluster flats. The proportions are not specified and will therefore be subject to the vagaries of market forces unless controlled by condition or legal agreement.

In Highways terms the parking provision would only be acceptable were the entire development to be occupied by students. The lack of objection to the application from the Highways Department is dependent on a condition/legal agreement to this effect being attached or entered into as part of this application. It is considered highly likely (considering the type of accommodation being provided) and in fact necessary in terms of the parking provision, for this scheme to be entirely occupied by students.

The cycle store and bin store are considered inadequate for the number of bed spaces and would need to be enlarged further adding to the built forms on this already intensively occupied site. The access points are considered appropriate subject to the maintenance of appropriate sightlines.

The Area of Housing Mix policy objective is to manage the provision of student housing (as far as the development control powers allow). Purpose built student housing will be encouraged so long as it is specifically reserved and managed for that purpose, improves the stock of student housing, relieves pressure on conventional housing and would assist in regenerating areas in decline or at risk from decline.

The proposal is not purpose built as indicated by the applicants suggestions of a mixed student/non student use and as a result it will not be a managed student site.

The area is not in decline or considered at risk as evidenced by the works to the adjacent sports grounds and surrounding area other than through further in-balances in the locality brought about by its 'studentification' to which this scheme will contribute. Whilst not resulting in the removal of family housing the scheme is likely to result in the conventional dwellings located in closest proximity to the site remaining or becoming student occupied dwellings as families are unlikely to occupy such dwellings in close proximity to an intensely occupied student scheme.

The stock of housing accommodation, both in the replacement of the existing apartment scheme of predominantly two bed flats and the pressure the scheme as now proposed is likely to put on the adjacent dwellings regarding student occupation, is considered to reduce the quantity and variety.

The confines of the site, the scale and intensity of development and proximity to the neighbouring dwellings both the immediate neighbours and those to the south and will result in unacceptable effects on the living conditions of the neighbouring dwellings due to the increased activity, noise and disturbance which will inevitably result from such an intensively occupied scheme.

Although the contemporary form of the scheme has been accepted, the introduction of the third floor element of the proposal is considered to take the proposal out of scale with its immediate surroundings.

On the positive side of the assessment of student accommodation, the site is in close proximity to the new Leeds Metropolitan University teaching facilities that will be located within the almost complete Rugby Stand. It could well be (however no guarantee) that the students occupying this scheme could attend lectures and use the student facilities within the new stand. The site is also in close proximity to the town centre and facilities there and close to bus links to both the university and city centre.

The recommendation in relation to H15 is therefore balanced but Officers consider that the intensity of the proposed use on a very small site is such as to 'tip the balance' against the proposals .

Other Issues

The obstruction of the mechanical air vent serving the cricket school is unacceptable and could be severely detrimental to the continued use of this valuable regional sporting facility.

The other comments received from internal consulties present issues which are considered to be able to be overcome to the satisfaction of the Local Planning Authority following submission of further details or addition of appropriate conditions were the application to be approved. These were not considered to materially effect the final recommendation on this application.

Conclusion:

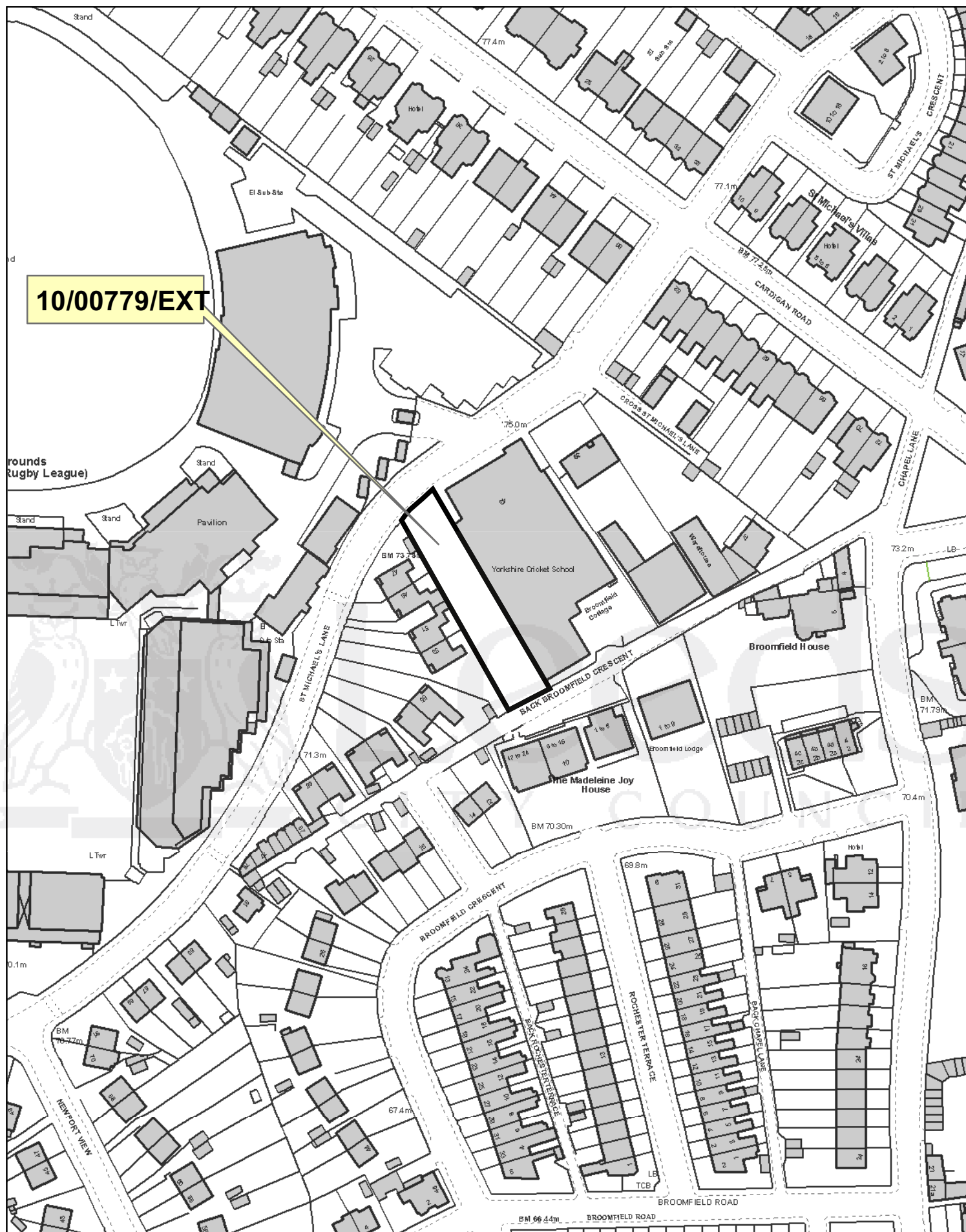
The scheme is considered to represent an over intensive use of this narrow confined site to the detriment of the amenity of both the adjacent dwellings and the users of the cricket school which adjoins the site. It is considered overbearing and overdominant affecting the outlook of the properties on St Michael's Lane and will obstruct an air-vent serving the adjacent cricket school. Its built form is therefore considered inappropriate.

The intensity of the use and the substantial occupation of the accommodation by students is considered detrimental to the balance and sustainability of the local community and given the proximity to other dwellings the noise and disturbance likely to be generated is considered detrimental to residential amenity.

The positive improvements to the visual appearance of the scheme and the sustainability of the location are not considered sufficient to outweigh the detrimental effects resulting from the over-intensive nature of the scheme and therefore on balance the officer recommendation is that the application be refused.

Background Papers:

Application file & 26/578/04/FU.



WEST PLANS PANEL

Scale 1/1500

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Originator: Carol
Cunningham
Tel: 2478017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th APRIL 2010

Subject: APPLICATION 10/00613/FU – VARIATION OF CONDITION 28 OF APPLICATION NUMBER 25/407/05/OT (AFFORDABLE HOUSING MATTERS) TO APPROVED RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF MID POINT, OFFICE PARK, DICK LANE, PUDSEY.

APPLICANT
Taylor Wimpey Yorkshire

DATE VALID
11 February 2010

TARGET DATE
13 May 2010

Electoral Wards Affected:

Calverley & Farsley

☒ X

Ward Members consulted

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION: DEFER AND DELEGATE TO THE CHIEF PLANNING OFFICER TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS AND A SECTION 106 AGREEMENT COVERING
- OFF SITE AFFORDABLE HOUSING CONTRIBUTION

1. Time period for commencement of development
2. External walling and roofing materials to be submitted
3. Details of boundary treatment to be submitted
4. Area to be used by vehicles laid out
5. Landscaping scheme to be submitted
6. Landscape buffer on 08:4119:01 Rev k to be provided
7. Landscape management to be submitted
8. Landscaping to be in line with approved scheme
9. Green Travel plan to be submitted
10. Separate system for foul and surface water drainage to be submitted
11. Details of drainage to be submitted
12. No piped discharge of surface water

13. Surface water from vehicle parking and hardstanding areas to be passed through an interceptor
14. Scheme for surface water run off limitation to be submitted
15. Instructive investigation re contamination to be submitted
16. Five existing boreholes to be available for gas monitoring or alternatives to be provided
17. Remediation statement to be submitted
18. Remediation works to be carried out
19. Notice required for date of commencement in relation to remediation
20. Revised remediation statement if other contamination found.
21. Unexpected contamination to be notified
22. Validation report to be submitted
23. Full details to prevent mud, grit and dirt on highway to be submitted
24. Prevention of dust generation
25. Ground levels, floor levels to be submitted
26. Three areas of on site open space on drawing ref 08:4119:01 rev K to be provided.
27. Scheme for affordable housing to be submitted
28. Local parking measures
29. Surfacing materials
30. Plots 49, 53, 57, 65 and 95 to have all side gable windows obscure glazed at first and second floor level.
31. Planning permission obtained for rear extensions or rear curtilage buildings erected on plots with private amenity space comprising less than 50% Gross Floor Area (namely 36-39, 58, 60-61, 67-69, 76-77, 96 and 128 -130)

1.0 INTRODUCTION:

- 1.1 The application comprises a request to vary the condition 28 for affordable housing provision on an outline planning permission for residential development. The condition requires the developer to identify before development commences the provision of affordable housing. This variation is to coincide with the signing of a section 106 agreement to delay the provision of affordable housing and variation of condition 5 (of approval reference 07/05428/RM) which is also on this agenda.

2.0 PROPOSAL:

- 2.1 Outline planning permission for residential development was granted in September 2006. This outline permission was for layout of access road and to erect a residential development. Subsequent to this approval a reserved matters application was granted permission in February 2009 for laying out of an access road, 48 apartments, 1 flat over garage, 119 houses with associated bin and cycle's store. This permission was granted by Panel on 22nd January 2009 and a copy of this Panel report is attached.

- 2.2 Condition 28 of the outline permission stated:

'Development shall not commence until arrangements for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. Such arrangements shall address and contain the following matters:

- a) The delineation of the area or those areas of land upon which the affordable housing units shall be constructed.
- b) The type and nature of the affordable housing provision to be made as part of the development.
- c) The number of affordable housing units to be provided, that being a minimum of 25% of the total number of dwellings to be provided on the site

- d) The arrangements for ensuring that such provision is affordable for both initial and subsequent occupiers
- e) The occupancy criteria to be adopted for determining the identity of prospective and subsequent occupiers of such affordable housing and the means by which such occupancy criteria shall be enforced and
- f) The phasing and timescale (s) for provision and bringing into use the affordable housing units.

The affordable housing shall thereafter be provided in accordance with the approved phasing and timescale (s). There shall be no occupation of any dwelling within the development unless it is in accordance with the approved phasing and timescale (s) for the provision of affordable housing units.

- 2.3 The application is to vary this condition to the following:

‘Prior to the commencement of development arrangements for the provision of affordable housing shall be agreed in writing by the Local Planning Authority.’

There is an application to vary condition 5 of the reserve matters application which also covers affordable housing also on this agenda.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site comprises of 3.76 ha, and was formerly used for engineering and manufacturing purposes. It is accessed off Dick Lane, which itself links onto the Thornbury roundabout 200m to the north west and the A647 Leeds Road/Bradford Road.

- 3.2 The site is surrounded by open land to the south, a golf course to the east, both of which are in green belt, the Odeon cinema and car park to the north and office uses to the west.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 An outline planning application (25/407/05/OT) for residential development was reported to Panel on the 13th July 2006 and granted permission on 28th September 2006. A reserved matters application (07/05428/RM) was forwarded to Panel on 22 January 2009 and granted planning permission on 26 February 2009. A copy of this Panel report is attached.

- 4.2 A number of planning permissions exist on the adjoining site to the west originating with an outline permission in 1991 for a major leisure development. (H25/47/91.). Since then a variety of permissions have provided for mixed uses comprising a leisure use, A3 uses, Travelodge hotel and various offices.

- 4.3 Planning application number 10/00613 is to vary condition 5 of the reserved matters application relating to affordable housing is also on this agenda.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 A residential viability assessment has been submitted which formed the basis for a section 106 agreement to ensure the provision of affordable housing, greenspace and highway contribution. The section 106 is about to be signed and these applications have been submitted as the conditions the subject of these applications have to be attached to the section 106.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by way of a site notice on 16 February 2010 with comments required by 9th March 2010. It was also advertised in the Pudsey Times on the 4th March 2010 with an expiry date of 25 March 2010.

6.2 Ward Members for the site have been briefed and support the applications providing the affordable housing is paid as a full commuted sum with some payment up front.

7.0 CONSULTATIONS RESPONSES:

7.1 Statutory

No comments received.

Non-Statutory

Policy – No objections

Environmental Protection Team – No adverse comments

8.0 PLANNING POLICIES:

8.1 The Development Plan for the area consists of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan (Review 2006).

Unitary Development Plan (Review 2006)

The site is located within the main urban area and comprises part of a LT5B:5 (leisure and tourism) allocation as defined by the Leeds UDP Review 2006. It is also includes a small element of the adopted green belt and a protected playing pitch. The whole site is also included within an area under GP5 (unimplemented local plan proposals). No other allocations or designations affect the site.

Relevant policies include:

GP5 Applications to resolve development control considerations.
H12 Affordable housing to be negotiated.

Leeds City Council SPG3 'Affordable Housing' is relevant.

PPS3 states that new housing development should provide good private and public amenity space.

9.0 MAIN ISSUES

1. Validity of condition
2. Viability

10.0 APPRAISAL

1. Validity of condition

10.1 It is concluded that the condition meets the tests of Circular 11/95 on the basis that it is:

- i) necessary (the proposal would not have been granted planning permission without the provision of adequate affordable housing and greenspace),

- ii) relevant to planning (affordable housing/greenspace are legitimate material planning considerations),
- iii) relevant to the development to be permitted (the affordable housing provision is based on 25% of the specific scheme with units identified on-site),
- iv) enforceable (the condition is clear, precise and enforceable),
- v) Reasonable in all other respects (although circumstances may have changed, the condition itself is reasonable).

It is not part of the applicant's case that the condition should be removed because it is ultra vires.

2. Viability

- 10.2 Based on the submitted viability information Asset Management ran a number of different development scenarios based on fixed cost/residual land value and different affordable housing requirements of 0%, 25% and 30%. The conclusions of the various assessments are:
- 10.3
1. Given the price that George Wimpey paid for the land, the scheme for which they have permission would not be viable if affordable housing and greenspace contributions provided now on the basis that development commenced immediately.
 2. If the land was sold to another housebuilder at current residential land values, the scheme would be viable with a 20% profit and a partial contribution towards affordable housing and greenspace (£300,000 - £400,000).
 3. The land would be more profitable in the current market for an industrial development.
- 10.4 The view from Asset Management is that the price paid for the land was paid knowing the commercial risk involved and it is not the responsibility of the planning system to underwrite developer's losses.
- 10.5 On the other hand the local planning authority is seeking to be helpful to the development sector where appropriate in a difficult economic climate. It is agreed that this is in line with the recent DCLG announcements and both the national and local need in Leeds to increase housebuilding development rates, particularly on brownfield sites such as this. It is acknowledged that the economics of provision are a material planning consideration.
- 10.6 The developer is committed to starting on site in the very near future and have submitted a letter to this effect. They need to start on site before February 2011 when the reserve matters application expires. The section 106 agreement is only awaiting the decision on these variations of condition applications and then it is ready for signature and issuing. The section 106 ties the developer to the site so they cannot sell the land on for a profit and allow another developer to not have to contribute to affordable housing. If the site is sold it would involve a new section 106 agreement and this matter would have to be re-examined.
- 10.7 A residential viability assessment which seeks to demonstrate that the scheme is unviable with contributions to affordable housing and greenspace as stated previously has been submitted. This has formed the basis of negotiation to formulate the section 106 agreement. Flexibility is shown in the wording of this Section 106 agreement which includes clauses foregoing affordable housing provision in early phases, to be reviewed as part of subsequent phases when the market may have improved. This would be appropriate to the individual circumstances of this developer and the section 106 agreement ties the development in with this developer.

- 10.8 This S106 allows for no commitment to affordable housing to be provided immediately development commences, however, if development is not substantially completed within 2 years, the viability assessment will have to be resubmitted. This will assess if the market has improved and whether provision for affordable housing can then be provided. The two years start from when the S106 agreement is signed and not when development starts on site. If in two years time the financial viability shows that a contribution to affordable housing is able to be provided then this will be the full amount required of affordable housing based on the total number of residential dwellings proposed rather than a percentage of the residential units left to be built. This assessment has then to be carried out yearly until the development is complete. The initial provision allowed for 50% of the provision to be provided on site with 50% being a commuted sum. Comments from the Ward Members have indicated that they would prefer to see the affordable housing provided in a full financial contribution and not the 50% split for provision on site and off site contribution. The Ward Members have requested this as the site is in a location where the prices of the houses will be competitive and the financial contribution can then be used were the provision of affordable housing is low which is likely to be locally. Whilst this request is at odds with current policy guidance it does ensure that development can commence on site as soon as possible with all the economic benefits and the prices of the properties in this location would be competitive and the commuted sum put to use where it is most needed.
- 10.9 The s106 allows development to proceed on site in this difficult financial period and protects the interests of the Council in that the full amount of affordable housing provision may be required and provided before the development is complete.
- 10.10 It has to be acknowledged, that the situation could arise where development has been completed on site and the viability of the site still does not generate any affordable housing. However, it is considered, on balance that in view of the current trends viability of the site will improve and the early commencement of development on site and the economic benefits this will bring, outweighing the possibility that the site may not generate any affordable housing provision.
- 10.11 To allow the development to proceed with this 2 year delay on provision of affordable housing means that condition 28 of the planning permission cannot be complied with. The rewording of the conditions allows for development to proceed and complies with the original outline permission and the section 106 agreement. The application to reword condition 5 of the reserve matters application is for the same reason.

After considering all these matters, on balance approval is recommended.

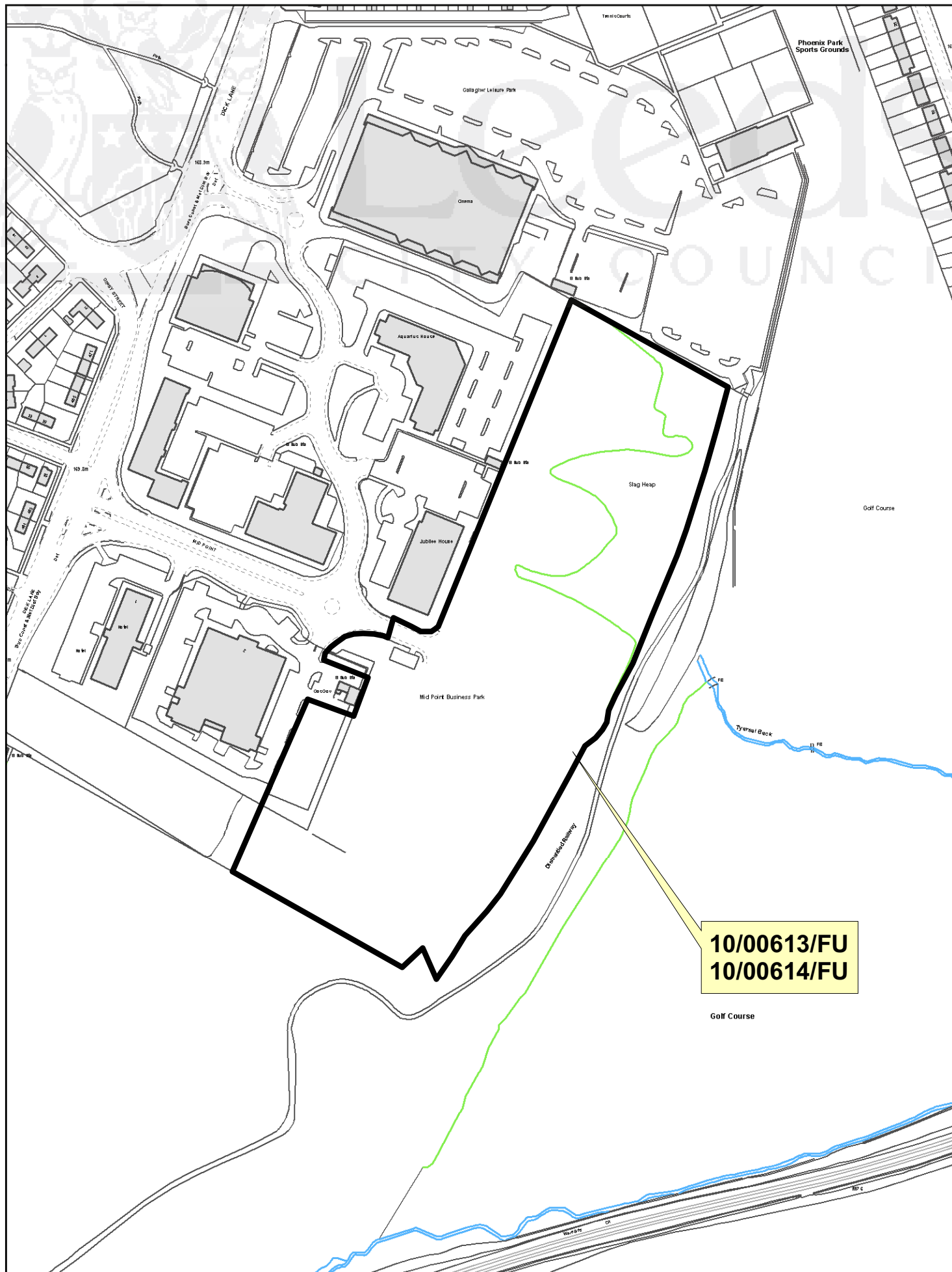
11.0 CONCLUSION

It is concluded that the condition is reasonable and serves a valid planning purpose. The condition cannot be complied with as it conflicts with a section 106 agreement which allows for delayed provision of affordable housing. Variation of the condition allows for development to proceed on site and still allows for affordable housing provision in the future.

Background Papers:

Certificate of Ownership – signed as applicant.

Application file 10 /00613/fu.



WEST PLANS PANEL

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Scale 1/2500

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Originator: Carol
Cunningham
Tel: 2478017

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th April 2010

Subject: APPLICATION 10/00614/FU – VARIATION OF CONDITION 5 OF APPLICATION NUMBER 07/05428/RM (AFFORDABLE HOUSING MATTERS) TO APPROVED RESIDENTIAL DEVELOPMENT AT LAND TO THE REAR OF MID POINT, OFFICE PARK, DICK LANE, PUDSEY.

APPLICANT

Taylor Wimpey Yorkshire

DATE VALID

11 February 2010

TARGET DATE

13 May 2010

Electoral Wards Affected:

Calverley & Farsley

☒ X

Ward Members consulted

Specific Implications For:

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

RECOMMENDATION: DEFER AND DELEGATE TO THE CHIEF PLANNING OFFICER TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS AND A SECTION 106 AGREEMENT TO COVER

- OFF SITE AFFORDABLE HOUSING PROVISION

1. Landscape buffer – implementation and management plan to be approved
2. Details of 3 areas of on site open space to be approved
3. 5 plots to have 1st and 2nd floor side windows obscure glazed
4. Removal of pd rights to rear extensions and rear curtilage buildings on certain plots
5. Arrangements for affordable housing provision to be approved

1.0 INTRODUCTION:

The application is variation of condition 5 which relates to affordable housing. This variation is to coincide with the signing of a section 106 agreement to delay the provision of affordable housing and variation of condition 28 which is also on this agenda.

2.0 PROPOSAL:

Outline planning permission for residential development was granted in September 2006. A reserved matters application was granted permission in February 2009 for laying out of an access road, 48 apartments, 1 flat over garage, 119 houses with associated bin and cycles stores. This was after a Panel resolution on 22nd January 2009. A copy of this Panel report is attached.

Condition 5 of the reserve matters application stated:

‘ Arrangements for the provision of affordable housing in accordance with condition 28 of outline planning permission ref 25/407/05/OT shall include on site sub market provision as shown on drawing ref 630/10/SHP Rev A.’

The application is to vary the condition to the following:

‘Prior to the commencement of development, arrangements for the provision of affordable housing in accordance with Condition 28 of outline permission reference 25/407/05/OT shall be agreed in writing with the Local Planning Authority.’

An application to vary condition 28 of the outline permission is also on this agenda.

3.0 SITE AND SURROUNDINGS:

The site comprises land which is 3.76 ha, and was formerly used for engineering and manufacturing purposes. It is accessed off Dick Lane, which itself links onto the Thornbury roundabout 200m to the north west and the A647 Leeds Road/Bradford Road.

The site is surrounded by open land to the south, a golf course to the east, both of which are in green belt, the Odeon cinema and car park to the north and office uses to the west.

4.0 RELEVANT PLANNING HISTORY:

An outline planning application (25/407/05/OT) for residential development was reported to Panel on the 13th July 2006 and granted permission on 28th September 2006. A reserved matters application (07/05428/RM) was forwarded to Panel on 22 January 2009 and granted planning permission on 26 February 2009.

A number of planning permissions exist on the adjoining site to the west originating with an outline permission in 1991 for a major leisure development. (H25/47/91.). Since then a variety of permissions have provided for mixed uses comprising a leisure use, A3 uses, Travelodge hotel and various offices.

Application number 10/00613/fu is also to vary the condition for affordable housing on the outline permission and is included on this agenda.

5.0 HISTORY OF NEGOTIATIONS:

A residential viability assessment has been submitted which formed the basis for a section 106 agreement to secure the provision of affordable housing, greenspace and highway contributions. The section 106 is about to be signed and these applications have been submitted as the conditions the subject of these applications have to be attached to the section 106.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The application was advertised by way of a site notice on 16th February 2010 with comments required by 9 March 2010. It was also advertised in the Pudsey Times on the 4 March 2010 with an expiry date of 25 March 2010. No representations have so far been received.
- 6.2 Ward Members for the site have been briefed and support the applications providing the affordable housing is paid as a full commuted sum with some payment up front.

7.0 CONSULTATIONS RESPONSES:

Statutory

No comments received.

Non-Statutory

Policy – No objections

8.0 PLANNING POLICIES:

The Development Plan for the area consists of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan (Review 2006).

Unitary Development Plan (Review 2006)

The site is located within the main urban area and comprises part of a LT5B:5 (leisure and tourism) allocation as defined by the Leeds UDP Review 2006. It is also includes a small element of the adopted green belt and a protected playing pitch. The whole site is also included within an area under GP5 (unimplemented local plan proposals). No other allocations or designations affect the site.

Relevant policies include:

GP5 Applications to resolve development control considerations.
H12 Affordable housing to be negotiated.

Leeds City Council SPG3 'Affordable Housing' is relevant.

9.0 MAIN ISSUES

1. Validity of condition
2. Viability

10.0 APPRAISAL

1. Validity of condition

- 10.1 It is concluded that the condition meets the tests of Circular 11/95 on the basis that it is:

- i) necessary (the proposal would not have been granted planning permission without the provision of adequate affordable housing and greenspace),
- ii) relevant to planning (affordable housing/greenspace are legitimate material planning considerations),
- iii) relevant to the development to be permitted (the affordable housing provision is based on 25% of the specific scheme with units identified on-site),

- iv) enforceable (the condition is clear, precise and enforceable),
- v) reasonable in all other respects (although circumstances may have changes, the condition itself is reasonable).

It is not part of the applicant's case that the condition should be varied because it is ultra vires.

2. Viability

- 10.2 Based on the submitted viability information Asset Management ran a number of different development scenarios based on fixed cost/residual land value and different affordable housing requirements of 0%, 25% and 30%. The conclusions of the various assessments are:
1. Given the price that George Wimpey paid for the land, the scheme for which they have permission would not be viable if affordable housing and greenspace contributions provided now on the basis that development commenced immediately.
 2. If the land was sold to another housebuilder at current residential land values, the scheme would be viable with a 20% profit and a partial contribution towards affordable housing and greenspace (£300,000 - £400,000).
 3. The land would be more profitable in the current market for an industrial development.
- 10.3 The view from Asset Management is that the price paid for the land was paid knowing the commercial risk involved and it is not the responsibility of the planning system to underwrite developer's losses.
- 10.4 On the other hand the local planning authority is seeking to be helpful to the development sector where appropriate in a difficult economic climate. It is agreed that this is in line with the recent DCLG announcements and both the national and local need in Leeds to increase housebuilding development rates, particularly on brownfield sites such as this. It is acknowledged that the economics of provision are a material planning consideration.
- 10.5 The developer is committed to starting on site in the very near future and have submitted a letter to this effect. They need to start on site before February 2011 when the reserve matters application expires. The section 106 agreement is only awaiting the decision on these variations of condition applications and then it is ready for signature and issuing. The section 106 ties the developer to the site so they cannot sell the land on for a profit and allow another developer to not have to contribute to affordable housing. If the site is sold it would involve a new section 106 agreement and this matter would have to be re-examined.
- 10.6 A residential viability assessment which seeks to demonstrate that the scheme is unviable with contributions to affordable housing and greenspace as stated previously has been submitted. This has formed the basis of negotiation to formulate the section 106 agreement. Flexibility is shown in the wording of this Section 106 agreement which includes clauses foregoing provision of affordable housing in early phases, to be reviewed as part of subsequent phases when the market may have improved. This would be appropriate to the individual circumstances of this developer and the section 106 agreement ties the development in with this developer.
- 10.7 This S106 allows for no affordable housing to be provided immediately development commences at the current time, however, if development is not substantially

completed within 2 years, the viability assessment will have to be resubmitted. This will assess if the market has improved and whether affordable housing can then be provided. The two years start from when the S106 agreement is signed and not when development starts on site. If in two years time the financial viability shows that affordable housing is able to be provided then this will be the full allocation of affordable housing based on the total number of residential dwellings proposed rather than a percentage of the residential units left to be built. This assessment has then to be carried out yearly until the development is complete. The initial provision allowed for 50% of the provision to be provided on site with 50% being a commuted sum. Comments from the Ward Members have indicated that they would prefer to see the affordable housing provided in a full financial contribution and not the 50% split for provision on site and off site contribution. The Ward Members have requested this as the site is in a location where the prices of the houses will be competitive and the financial contribution can then be used were the provision of affordable housing is low which is likely to be locally. Whilst this request is at odds with current policy guidance it does ensure that development can commence on site as soon as possible with all the economic benefits and the prices of the properties in this location would be competitive and the commuted sum put to use where it is most needed.

- 10.8 The s106 allows development to proceed on site in this difficult financial period and protects the interests of the Council in that the full amount of affordable housing provision may be required and provided before the development is complete.
- 10.9 It has to be acknowledged, that the situation could arise where development has been completed on site and the viability of the site still does not generate any affordable housing. However, it is considered, on balance that in view of the current trends viability of the site will improve and the early commencement of development on site and the economic benefits this will bring, outweighing the possibility that the site may not generate any affordable housing provision.
- 10.10 To allow the development to proceed with this 2 year delay on provision of affordable housing means that condition 5 of the reserved matters planning permission cannot be complied with. The rewording of the conditions allows for development to proceed and complies with the original outline permission and the section 106 agreement. The application to reword condition 28 of the reserve matters application is for the same reason.

After considering all these matters, on balance approval is recommended.

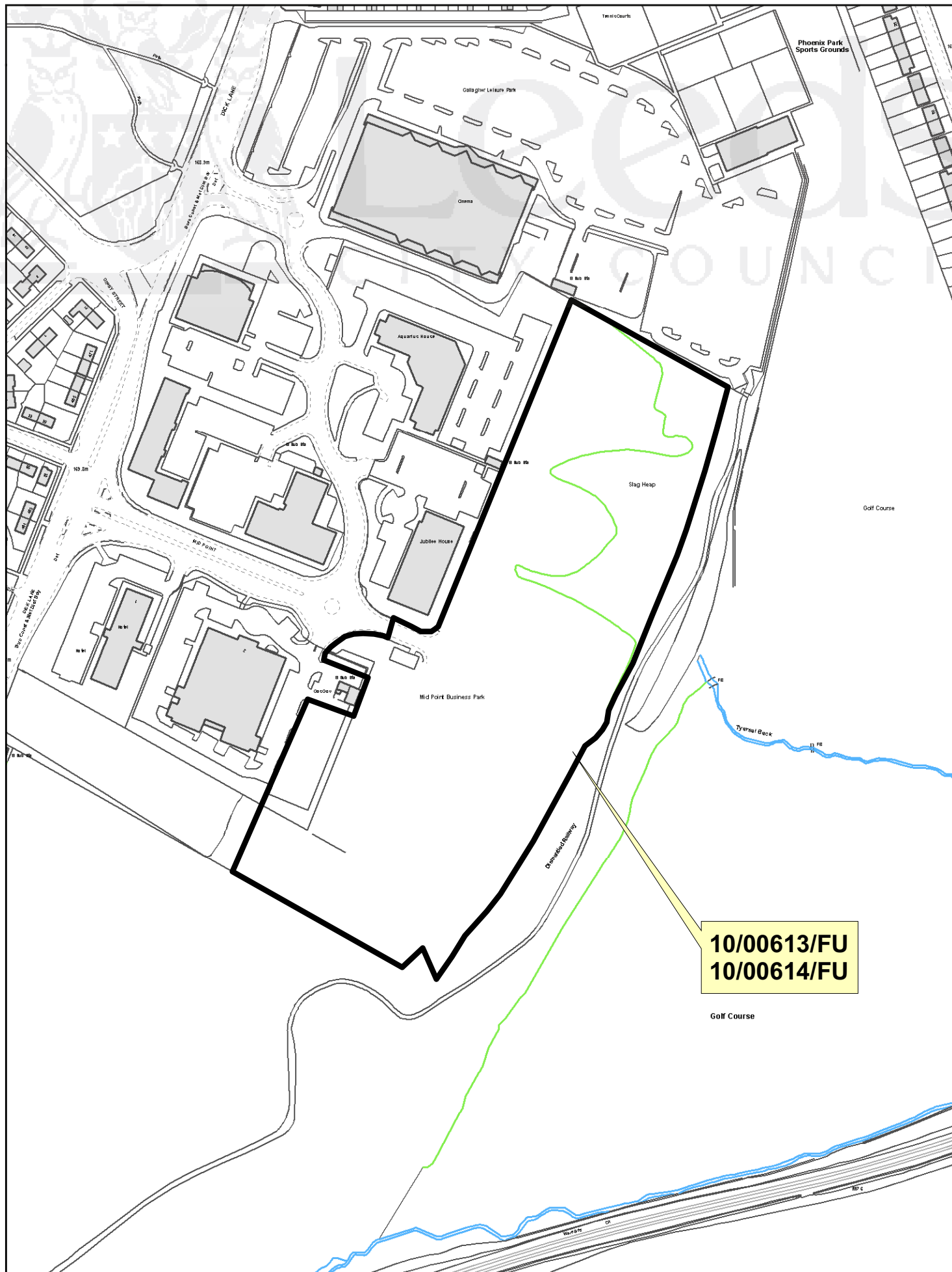
11.0 CONCLUSION

It is concluded that the condition is reasonable and serves a valid planning purpose. The condition cannot be complied with as it conflicts with a section 106 agreement which allows for delayed provision of affordable housing. Variation of the condition allows for development to proceed on site and still allows for affordable housing provision in the future.

Background Papers:

Certificate of Ownership – signed as applicant.

Application file 10/00614/fu



WEST PLANS PANEL

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Scale 1/2500



Originator:	Steven Wilkinson
Tel:	0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th April 2010

Subject: APPLICATION 08/06627/FU – Part three storey, part single storey side extension with roof terraces at first floor and third floor levels at 20 Rockery Road, Horsforth, Leeds, LS18 5AS

APPLICANT	DATE VALID	TARGET DATE
J Snellgrove	2 nd December 2008	8 th January 2009

Electoral Wards Affected:

Horsforth

☒

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

RECOMMENDATION:

REFUSE planning permission, for the following reason:

The Local Authority considers that the proposed extension by reason of its inappropriate and over-assertive scale, form, detailing and materials in a prominent and sensitive location will not sympathetically relate or complement the existing historic terrace row or the conservation area as a whole. As such the proposal is considered to be detrimental to the character and appearance of the original terraced row, the present streetscene and the Horsforth conservation area, contrary to policies GP5, BD6, N12, N13 and N19 of the Leeds Unitary Development Plan (Review 2006), advice contained within PPS1: Delivering Sustainable Development and PPS5: Planning for the Historic Environment as well as supplementary guidance contained within Neighbourhoods for Living (2003) and the Horsforth Conservation Area Management Plan (2008).

1.0 INTRODUCTION

The application is brought to Plans Panel as it is considered to have greater than local significance.

2.0 PROPOSAL

The application relates to the construction of a modern part three storey, part single storey side extension with roof terraces at first floor and third floor levels. The proposal will be constructed of random coursed natural stone with hardwood framed contemporary style window openings throughout. Two of the larger windows also incorporate hardwood privacy louvers.

The extension consists of two main rectangular blocks which are visually separated by glazing elements. The lower block is significantly wider and extends to a width of 7.9 metres. This lower section incorporates a single integral garage with a hardwood door which opens towards Far Reef Close. The second block which is situated at first and second floor levels is 4.6 metres in width. The extension is setback 400mm from both the front and rear walls of the property and incorporates a flat roofed design which exposes the dual pitched roof of the original terrace.

A large garden terrace is present at first floor level above the integral garage, along with a small terraced area at third floor level, which is accessed via the converted loft. Both terraces are enclosed by low glass balustrading.

The proposal will also result in the loss of the existing front and rear dormer windows, seeking to enhance the existing terrace by replacing them with conservation style rooflights. The proposal will also result in the demolition of the existing detached pre-fabricated garage which is situated on detached garden land to the rear of the site. The garage will be replaced by two off-street car parking spaces and landscaping will be retained.

3.0 SITE AND SURROUNDINGS:

The existing property is an attractive Victorian end-terraced dwelling constructed of natural stone with a slate roof. The surrounding area is predominantly residential consisting of a mixture of terraced, semi-detached and detached properties of varying scale and design. The majority of the surrounding dwellings are constructed of similar natural stone and natural slate materials, which are characteristic of the Horsforth conservation area in which the property lies. The majority of the buildings within the conservation area date from the latter half of the 19th Century. Many of the buildings are large detached structures but a small smattering of historic terracing also exists, such as at the application site. The site is located within Character Area 3 – Long Row and Bachelor Lane of the conservation area where the area is representative of the domestic development that took place are the historic core of the Horsforth. The area also contains some of the oldest houses in residential Horsforth, which are primarily of local sandstone construction.

The property has a good sized garden area to the side which is situated in an elevated position above Far Reef Close. The property also has a further garden area to the rear which is located on the opposite side of the highway. The dwelling has an existing large box style dormer window to the front and pitched roof dormer window to the rear, both of which appear to be clad in white Upvc. A detached pre-fabricated garage is also present on the detached land to the rear of the site. Land

levels differ significantly between the front and rear elevations of the terraced row. Consequently; the property is two storey's in height to its front elevation (Rockery Road) and three storey's in height to its rear elevation (Far Reef Close). The side gable of the property is also situated in an elevated and prominent location within the streetscene, when viewed from Far Reef Close which is an unmade highway. The property is also visible from wider views to the east of the site.

4.0 RELEVANT PLANNING HISTORY:

27/7/01/FU - Dormer window to front and rear (Refused - 06.03.2001)

27/75/01/FU - Dormer window to front and rear (Approved - 22.08.2001)

5.0 HISTORY OF NEGOTIATIONS:

Numerous amendments have been made since the originally submitted plans. The main changes to the scheme include changing the proposed building materials of the extension from white render to natural random coursed stone, altering the footprint of the extension so that it sits perpendicular to the existing building, reducing the extent of the garage door so that it indicates a single garage and replacing the existing front and rear dormer windows with conservation style rooflights.

6.0 PUBLIC/LOCAL RESPONSE:

In total eleven letters of representation have been received. Ten of the letters are in objection to the proposal and the remaining letter is in support of the scheme.

The letter of support raised the following main points:

- (i) The proposal would provide visual improvement to the immediate vicinity.
- (ii) Precedents are present within the surrounding area.

The objection letters raised the following main concerns:

- (i) Design is out of keeping and over-dominant in the conservation area
- (ii) Privacy/overlooking.
- (iii) Over-dominance.
- (iv) Ancillary disturbances from building work (such as noise, contractors parking, access during construction, damage to the highway).
- (v) Impact on a legal right of way.

- All of the representations noted related to the originally submitted plans. The publicity period for the revised plans expires on 12.04.10. Any additional comments received regarding the revised plans will be verbally reported at panel.

7.0 CONSULTATIONS RESPONSES: Key points

Design Officer:

- Supportive of the non-traditional approach taken.
- The design is acceptable in its own right as a structure.

Conservation Officer:

- The proposal would cause harm to the character and appearance of the conservation area by reason of its over-assertive design. A flat roofed design to an end terrace also won't relate to adjoining buildings.
- Good contemporary architecture still has to be "sympathetic or complementary to its setting" (N13), and "will need special care in Conservation Areas" (5.3.8 – Leeds Unitary Development Plan Review Vol 1), and "require new neighbours that do not demand a lot of attention" due to being in a "very sensitive location" (5.3.8 – Leeds Unitary Development Plan Review Vol 1).
- A flat-roofed design is proposed as an extension to a long pitch-roofed terrace. However; policy N19 requires: "Detailed design ... including roofscape is such that the proportions of the parts relate ... to adjoining buildings".
- The proposed three storey tall windows are not of domestic scale.
- There is a powerful context at the present time, namely a traditional stone terrace in a stone built conservation area. White render is not an appropriate material (The materials of the proposal have since been altered).

Rights of Way:

- Map indicates that no Public Right of Ways are situated across the site.

Nature Conservation:

- A reasonable likelihood of a bat roost is present. As such a bat survey is required.
- If approved, a condition also has to be attached to protect wild birds during breeding season.

Design review panel -14/09/09 (based on previous plans):

- Principle of an extension in this location is acceptable.
- The fact that the extension is set back from the existing edges of the gable is welcomed.
- The scheme is interpreted as modernist revivalism and as a consequence some issues need to be resolved. Recommended that stonework and simple detailing are addressed more contextually.
- Concerns were raised about the resolution of the plans for this idiom. In particular the apparent double garage is in fact a single (This issue has since been altered on the revised plans).
- Advised that a quiet elegant contemporary approach was perhaps a more appropriate option than a traditional extension, i.e 'putting another terrace on the end'.
- Smaller, more domestic window rhythms maybe more appropriate with the extension cut in ashlar stone.
- Considered a positive move that the existing dormers have been removed and the original roofline re-instated.

8.0 PLANNING POLICIES:

National:

- 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.
- Planning Policy Statement 5 – Planning for the Historic Environment (PPS5) sets out the Governments policies on the conservation of the historic environment.

Local:

- Policy GP5 of the Leeds Unitary Development Plan (Review) 2006 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- Policy BD6 of the Leeds Unitary Development Plan (Review) 2006 - All alterations and extensions should respect the scale, form, detailing and materials of the original building.
- Policy N19 of the Leeds Unitary Development Plan (Review) 2006 – refers to development within conservation areas.
- Policy BC7 of the Leeds Unitary Development Plan (Review) 2006 – refers to the use of building materials within conservation areas.
- Policy N12 of the Leeds Unitary Development Plan (Review) 2006 – Proposals should respect the fundamental priorities of urban design.
- Policy N13 of the Leeds Unitary Development Plan (Review) 2006 – The design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings. Good contemporary design which is sympathetic or complementary to its setting will be welcomed.

Supplementary:

- SPG: Neighbourhoods for Living: A guide for residential design in Leeds (2003).
- Horsforth Conservation Area Appraisal and Management Plan (2008) – sets out the features that contribute to its distinctiveness and identifies opportunities for its protection and enhancement. The appraisal document is a material consideration in the determination of planning decisions. The draft appraisal went through a six-week consultation process and was amended in light of the comments received. The appraisal document was approved by Leeds City Council in November 2008 and endorsed by the Planning Board.

9.0 MAIN ISSUES

- Impact on Conservation Area (Streetscene/design and character)
- Privacy
- Overshadowing/Dominance
- Parking Provision/Highway Safety
- Representations

10.0 APPRAISAL

10.1 Impact on Conservation Area (Streetscene / Design and Character)

The property is located within the Horsforth conservation area. The property along with the rest of the Victorian terraced row is identified as a positive structure within Character Area 3 of the Horsforth Conservation Area Appraisal and Management Plan (2008). The property is situated within an elevated and prominent location in the streetscene and is also visible from wider views into the conservation area from the east. As such the proposal is situated within a sensitive setting. Whilst it is acknowledged that the proposal is of substantial architectural merit in its own right and seeks to create a contrast between the new and the old it is considered that the proposed design is not appropriate within its sensitive setting and consequently it will be detrimental to the character and appearance of the conservation area.

It is considered that the modern design of the property and in particular its substantial scale and flat roof design does not relate sympathetically to the adjoining historic stone terrace. The proposed tall windows and associated substantial timber louvers are also not considered to be of domestic scale. Furthermore; the proposed walling materials although stone are also designed to contrast with the existing stone terrace. As such it is considered that the proposal has an over-assertive design, which will demand a lot of attention in the conservation area and will not compliment its historic setting. Thus; the proposal is considered to be detrimental to the character and appearance of the existing dwelling, attractive terraced row and the Horsforth Conservation area. It is noted that the removal of the existing dormers and pre-fabricated garage are positive aspects given that the current structures are of little architectural merit and are not sympathetic additions within the conservation area. However; the benefits from the removal of these structures is not considered to outweigh the previously mentioned harmed cause by the unsympathetic design and prominent siting of the extension. In conclusion it is considered that the proposal will not preserve or enhance the character and appearance of the conservation area and consequently is unacceptable.

10.2 Privacy

The proposal contains main windows within its side and rear elevations. However; the windows will be situated over 45 metres from the nearest neighbouring dwellings to the north and east of the site. Even taking account the proposals elevated position within the streetscene, these distances vastly exceed the distance recommendation of 21 metres contained within Neighbourhoods for Living (Supplementary Planning Guidance). It is therefore considered that no significant overlooking of these neighbouring dwellings will occur as a result of the proposal. It is noted that the neighbouring dwelling at 23 Far Reef Close is situated in closer proximity to the proposal. However; the neighbouring front elevation is situated at a significant angle to the proposed side and rear window openings. Furthermore; the proposed side and rear windows also incorporate substantial timber louvers to their exterior which will direct the main views from the habitable rooms away from the neighbouring dwelling and towards the host dwellings side and rear garden areas. It is therefore considered that the proposal will not be unduly detrimental to the privacy of any neighbouring occupants. Additionally; the proposal will also incorporate a window opening within its front elevation. However; the window opening is tall and thin and is situated directly adjacent to the side wall of the original dwelling, which significantly restricts its overlooking potential. Furthermore; the window directly faces the host dwellings existing front garden area and will be situated approximately 9.5 metres from the

common boundary with the neighbouring private amenity space to the west. Thus; the proposal complies with the recommended distance of 7.5 metres. It is therefore considered that the proposed front window will not be unduly detrimental to the privacy of any neighbouring dwellings.

The proposal incorporates the formation of a substantial garden terrace above the integral garage. The terraced area is situated on a higher land level than the side garden area, however it will be situated over 7.5 metres from the nearest neighbouring amenity space and 18 metres from the nearest neighbouring dwelling to the north and east of the site. The neighbouring dwelling at 23 Far Reef Close also contains some significant vegetation along its front boundary, which will further reduce any overlooking. No significant overlooking will occur to the west of the site given that the terraced area will be screened by the existing stone boundary wall which is situated on higher land level and will stand over 1.8 metres above the garden terrace. A smaller terraced area is also proposed on the roof of the side extension at third floor level. It is noted that the terraced area is situated in a elevated position above neighbouring dwellings and land. However; the terraced area has been set-in significantly from edges of the roofline by approximately 2 metres. Consequently; with this significant recess it is considered that the terraced area will not have the opportunity to significantly overlook any adjacent neighbouring amenity space of properties at close quarters. The proposal also incorporates the installation of rooflights to the existing property. It is considered that the rooflights will have a significantly lower potential for overlooking that the existing dormer windows which they will replace. It is therefore considered that the proposal will not be unduly detrimental to the privacy of any neighbouring occupants.

10.3 Overshadowing /Dominance

The proposal is of significant scale/bulk and is located on a significantly higher land level than the neighbouring dwellings to the north and east. However; the proposed extension will be located over 20 metres from the nearest neighbouring property and is of reduced height compared to the original dwelling. At this substantial distance it is considered that the proposal will not have a detrimental impact on any of the neighbouring dwelling in terms of over-dominance and consequently the neighbouring occupants will retain an adequate outlook from their front habitable room windows. Furthermore; given the neighbouring dwellings orientation in relation to the proposal and the significant distances to the neighbouring land and habitable room windows it is considered that the neighbouring dwellings should still received a substantial amount of sunlight for the majority of daylight hours.

It is noted that the proposed extension is situated in close proximity (2 metres at it nearest point) to some neighbouring private amenity space to the north-west. As a consequence the proposal is likely to result in an increased level of overshadowing to a small part of this land during the morning period. However; the proposal incorporates a flat roofed design which is significantly lower than the roofline of the original dwelling. The neighbouring private amenity space provision to the north-west is also expansive and the proposal is likely to only impact on a small area of this land for less than half of the day. Furthermore; the affected area is also situated well away from the main neighbouring dwelling and adjacent to a public footpath, as such it is unlikely to be a primary area of amenity space for the neighbouring occupants. It is therefore considered, on balance, that the proposal will not result significantly overshadowing or over-dominate any neighbouring properties/amenity space.

10.4 Highway Safety/Parking

The proposed extension incorporates an integral single garage to its rear elevation which is accessed from Far Reef Close. The garage measures at least 3 x 6 metres internally and as a consequence it is considered to be large enough to accommodate a standard car off-street. Two additional off-street car parking spaces will also be created on the detached land to the rear of the property. As such it is considered that the proposal will retain an adequate off-street car parking provision. Furthermore; the proposal is considered to be a significant improvement on the existing car parking arrangements at the site which are situated within the detached garage and on the hardstanding to the rear of the property. Consequently; the proposal is unlikely to result in any undue pressure for further on-street parking within the locality, which could be detrimental to highway safety. Additionally; the rear of the property is located along an unmade road (Far Reef Close), which has low traffic volumes. As such manoeuvring into the proposed parking spaces, even in a reverse gear is unlikely to be significantly detrimental to highway safety.

10.5 Representations

As mentioned previously eleven letters of representation were received. Nine of the letters are from neighbouring households in objection to the proposal. One of the letters is from Horsforth Town Council also in objection to the proposal. The remaining letter is from a neighbouring household in support of the proposed scheme.

The letter of support raised the following main points:

- (i) The proposal would provide visual improvement to the immediate vicinity.
- (ii) Precedents are present within the surrounding area.

In response: For the reasons outlined within the appraisal above it is considered that the proposal will not provide visual improvement to the area. Existing extensions to neighbouring dwellings have been also been noted, however these extensions are generally of traditional form and cannot be compared to the modern form of the proposal. Furthermore; each planning application is assessed on its individual planning merits and as a consequence precedence for similar development has not been set.

The objection letters raised the following main concerns:

- (i) Design is out of keeping and over-dominant in the conservation area
- (ii) Privacy/overlooking.
- (iii) Over-dominance.
- (iv) Ancillary disturbances from building work (such as noise, contractors parking, access during construction, damage to the highway).
- (v) Impact on a legal right of way.

In response: Issues (i-iii) have been covered within the appraisal above and as a result will not be discussed further.

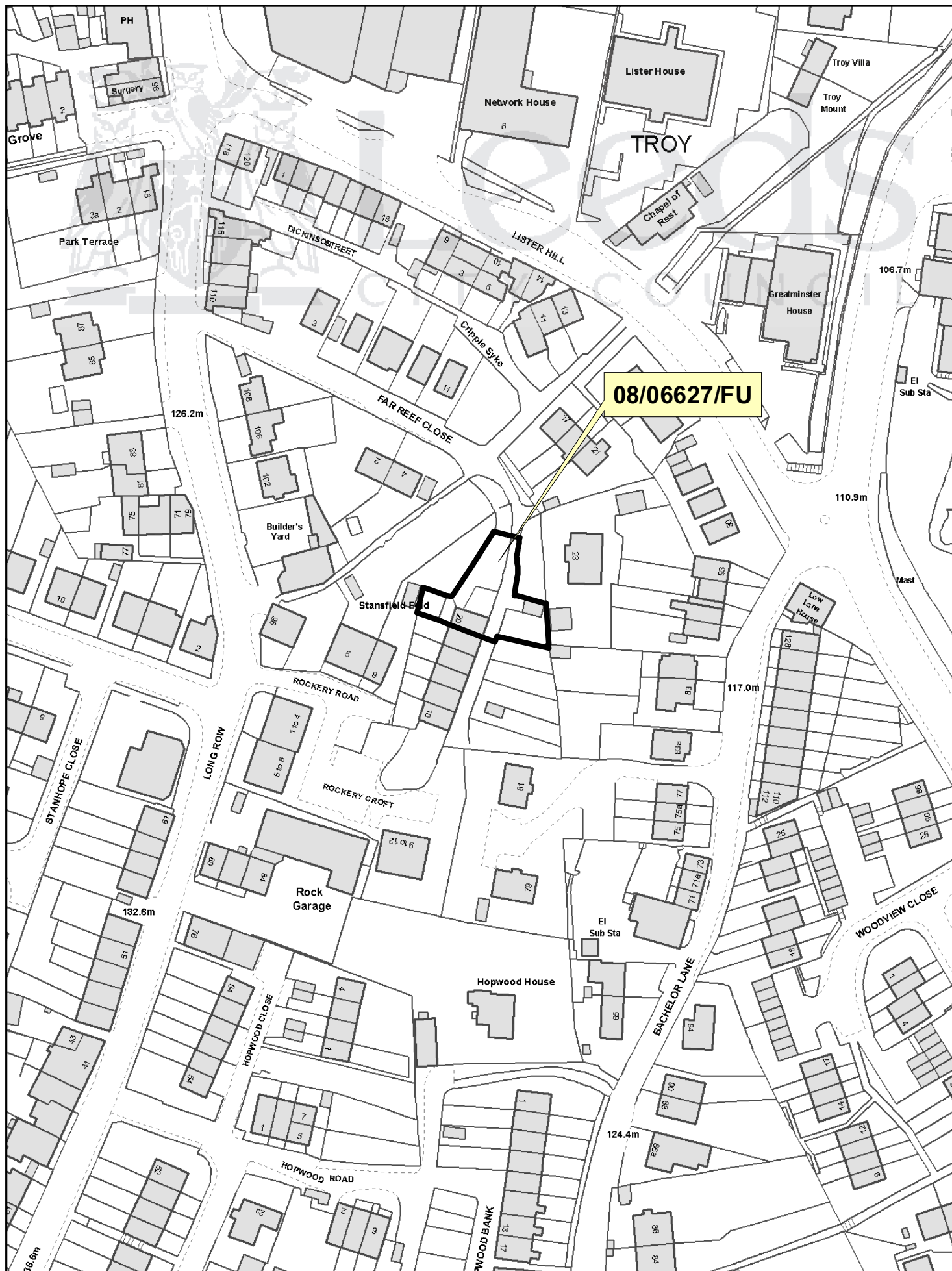
iv – Ancillary disturbances from building work: - These issues are not considered to be material matters for planning consideration.

v – Impact on a legal right of way: No Public Right of Way will be obstructed as a result of the proposal. The presence of neighbouring access across the site has been noted by one of the objectors as being within their deeds. However; this is considered to be a private/legal matter between neighbouring occupants and not an issue for planning consideration.

11.0 CONCLUSION

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 aforementioned reason.

Background papers: None



WEST PLANS PANEL

Scale 1:1250



Originator: Theo Matthew
Tel: 0113 247 8000

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 15th April 2010

Subject: APPLICATION 09/03653/FU - Retrospective application for single storey rear extension at 54 Cliff Road, Woodhouse, Leeds, LS6 2EZ

APPLICANT	DATE VALID	TARGET DATE
Mr. & Mrs. A Burch	21 st August 2009	16 th October 2009

Electoral Wards Affected:

Hyde Park & Woodhouse

☒

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

☐

Community Cohesion

☐

Narrowing the Gap

☐

1.0 RECOMMENDATION:

- 1.1 The application is subject to an appeal against non-determination. If the Local Planning Authority had been in a position to determine the application then it would have been minded to REFUSE the application under delegated powers for the following reason.

The Local Planning Authority considers that the extension by reason of its scale, materials and detailing has produced a discordant feature which is unsympathetic to the character of the host dwelling and terrace row to the detriment of the Conservation Area. As such it fails to preserve or enhance the Conservation Area and is contrary to policies N19, BC7, GP5 and BD6 of the Leeds Unitary Development Plan(Review) 2006 and advice contained within PPS5 - 'Planning for the Historic Environment'.

2.0 PROPOSAL

It is not felt that the application can be supported for the reasons set out in the reason for refusal and in the appraisal section of this report.

- 2.2 The application is retrospective and relates to the construction of a single storey rear extension. It measures 4 metres deep by 4.23 metres wide and has a mono-pitched roof. Its maximum height is 4.16 metres and is 2.58 metres to the eaves. The extension has been constructed with a natural slate roof to match the existing roof with the side elevations formed from concrete block-work clad with horizontal Cedar boarding. It juts out 0.64 metres from the side wall of the house. It has three long narrow windows to the northern elevation and patio doors overlooking the garden.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is located within the Headingley Conservation Area. The surrounding area is predominantly residential, the property consists of a Victorian red brick end terrace house with a garden area to its rear that measures only 8 metres wide but some 53 metres long. Originally the property along with the dwellings that make up the rest of the terrace row, was one of two large houses that have been divided up into five separate houses c1890. The application site is flat and enclosed by brick walling, trees and shrubbery planting. There is an open boundary between this and the adjoining house. The townscape of Cliff Road is defined by a mix of large Victorian villas, detached houses and terrace houses and later semi-detached houses.

4.0 RELEVANT PLANNING HISTORY:

None.

5.0 HISTORY OF NEGOTIATIONS:

None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Three letters of objection have been received. One is from the neighbouring household 53 Cliff Road with other comments from North Hyde Park Neighbourhood Association and Leeds Civic Trust. An email was also received from Councillor Ewen requesting that the planning application to be determined at plans panel.

The comments raised the following concerns:

- (i) Accuracy of measurements.
- (ii) Impact on the character of the area.
- (iii) Loss of light & privacy.
- (iv) Materials and poor weathering of wood.
- (v) Impact on architectural merit of terrace.
- (vi) no respect to the context in which it is set.
- (vii) In-appropriate shape.
- (viii) Bulky addition.
- (ix) unwelcome precedent.

7.0 CONSULTATIONS RESPONSES:

Sustainability - Conservation Team: Proposal should be described as a lounge and not a conservatory, along with two other points (the siting of a circular stone planter and the blocking up of a doorway) that do not relate to the extension, The Conservation Officer does not object to the planning application.

8.0 PLANNING POLICIES:

- Policy GP5 of the Leeds Unitary Development Plan (Review) 2006 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- Policy BD6 of the Leeds Unitary Development Plan (Review) 2006 - All alterations and extensions should respect the scale, form, detailing and materials of the original building
- 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.
- SPG: Neighbourhoods for Living: A guide for residential design in Leeds (2003)
- Planning Policy Statement 5: Planning and the Historic Environment - in reference to Conservation Area and 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. It is the quality and interest of areas rather than that of individual buildings that should be the prime consideration regards development within Conservation Area.
- UDP: Building Conservation: Conservation Areas – Policy BC7 refers to the required use of traditional local materials.

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.

Policy N19 is specific to new buildings and extensions within or adjacent to Conservation Areas preserving or enhancing the areas character by the siting and scale of a proposal being in harmony with adjoining buildings, relating proportionately to them, using appropriately sympathetic materials and giving careful attention to the design and quality of boundary and landscape treatments.

Headingley Conservation Area Appraisal

9.0 MAIN ISSUES

- Impact on Conservation Area
- Accuracy of measurements
- Overshadowing
- Materials
- Impact on neighbours
- Representations

10.0 APPRAISAL

10.1 Impact on Conservation Area and design and Character

The materials of the extensions are not considered to be acceptable, as apart from the slate tiling of the roof they fail to match the original dwelling. The rear extension is of a generally sympathetic scale and simple enough form to respect the character of the surrounding area, but the element that juts out from the building line jars with the

simple form of the house and reads as a discordant feature. The extension is situated to the rear of the house and away from predominant public views within the street scene although one side wall can be viewed over a tall brick wall adjacent to the site and as a result the visual impact on the locality will be minimal. However, the Cedar cladding of its walls is out of keeping with the prevailing character of the host and terrace row. The proposal is therefore considered to be unduly detrimental to the character and appearance of the original dwelling, terrace row, rear street scene and Conservation Area.

10.2 Overshadowing /overlooking

The rear extension is of a significant projection from the rear of the original house. The adjacent building 55 Cliff Road, is a nursing home located to the south of the extension and set more than 1metre lower down in level. The adjoining building 53 Cliff Road is north-west of the extension. The tracking of the sun which indicates the likely impact by resulting shade shows that neither of these properties has suffered any loss of light from the erection of the extension.

Two large and clear glazed patio doors dominate the rear elevation of the extension and look-out onto the extensive rear garden area. The side elevation adjacent to 55 Cliff Road is completely devoid of any windows. The other side elevation has 3 full length horizontal windows. The nearest of these windows measures 6M away from the closest adjacent window of 53 Cliff Road, with that furthest away measuring 9M. Combined with an acute angle between the windows of approximately 8 degrees, it is considered that the windows of the extension does not inflict any significant impact upon the adjacent buildings by loss of privacy. However, they do overlook the garden of number 55 due to the lack of boundary treatment between all the houses at the rear. It is considered that there would be no increased overlooking as these gardens are already significantly overlooked by a number of dwellings.

10.3 Materials

The natural blue slate tiles covering the lean-to roof of the extension are a good match to those of the host dwelling and other houses of the row. The horizontal Cedar boards that clad the elevations are not in keeping with the external appearances of the host dwelling, those of the other dwellings to the row or within the wider street scene of Cliff Road. Whilst scope exists to accommodate contemporary design and materials within Conservation Areas should not be at the expense of the requirement to enhance or preserve their character and as such the appearance of the extension is considered to be detrimental.

10.4 Representations

As mentioned previously three letters of representation were received, all in objection to the proposal.

The details of the submitted plans are correct. The inaccuracies of the details that were submitted relate to the extension initially being assessed as Permitted Development The extension was then subsequently built without grant of permission. The extension needs permission due to its level of projection and use of Cedar cladding to the exterior within a Conservation Area.

In response to the other comments, all of the relevant issues have been covered within the appraisal above and as a result will not be discussed further. Other comments made are deemed to information with regards to the history of the property,

PD calculations and existing drainage and as such are issues not considered relevant to the material planning considerations.

11.0 CONCLUSION

- 11.1 For the reasons outlined in the above report and taking into account all other material considerations it is considered that the extension is does not preserve or enhance the character and appearance of the Conservation Area.

Background Papers:

Application File 09/03653/FU

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