



PLANS PANEL (WEST)

Meeting to be held in Civic Hall, Leeds on
Thursday, 24th May, 2012
at 1.30 pm

MEMBERSHIP

Councillors

N Taggart (Chair)	Vacancy	P Wadsworth	T Leadley
J Akhtar		R Wood	
M Coulson			
K Groves			
J Hardy			
J Harper			

A G E N D A

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

Item No	Ward	Item Not Open		Page No
3			<p>LATE ITEMS</p> <p>To identify items which may have been admitted to the agenda by the Chair for consideration.</p> <p>(The special circumstances shall be specified in the minutes)</p>	
4			<p>DECLARATIONS OF INTEREST</p> <p>To declare any personal/prejudicial interest for the purpose of Section 81 (3) of the Local Government Act 2000 and paragraphs 8 to 12 of the Members Code of Conduct</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES - 26 APRIL 2012</p> <p>To approve, as a correct record, the minutes of the meeting held on 26 April 2012.</p>	3 - 6
7	Hyde Park and Woodhouse;		<p>APPLICATION 12/01131/FU - LAND ADJACENT TO 16 ASH GROVE, HEADINGLEY, LS6</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for a three storey rear extension to form six flats, associated parking and landscaping.</p>	7 - 16
8	Adel and Wharfedale;		<p>APPLICATION 12/01510/FU - 3 MEADOW GARTH, BRAMHOPE, LS16</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for a conservatory to rear.</p>	17 - 22
9	Guiseley and Rawdon;		<p>APPLICATION - 12/01586/FU - GREYSTONES, KELCLIFFE LANE, GUISELEY, LS20</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for balcony and new sliding doors to first floor side.</p>	23 - 26

Item No	Ward	Item Not Open		Page No
10	Kirkstall;		<p>APPLICATION 12/01673/FU - KIRKSIDE HOUSE, 1 SPEN LANE, WEST PARK, LS5</p> <p>To consider the attached report of the Chief Planning Officer regarding a retrospective application for a polytunnel and shed.</p>	27 - 32
11	Guiseley and Rawdon;		<p>APPLICATION 12/00979/FU - LAND TO REAR OF FORMER HARRY RAMSDENS, OFF BRADFORD ROAD, WHITE CROSS, GUISELEY, LS20</p> <p>To consider the attached report of the Chief Planning Officer regarding an application for the erection of 4 houses with garages and new access, parking and landscaping.</p>	33 - 42
12			<p>APPLICATION 12/00362/FU - 83A OTLEY ROAD, HEADINGLEY, LS6</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the change of use of private car park to public pay and display car park.</p>	43 - 48
13	Weetwood;		<p>APPLICATION 11/03324/FU - FORMER COOKRIDGE HOSPITAL AND GROUNDS, HOSPITAL LANE, COOKRIDGE, LS16</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding a residential development of 143 houses and 12 flats; restoration of the lodge to form 1 house; alterations and extensions to hospital building to form residential care home comprising 20 apartments and 35 bedspaces (C2 use); alterations and extensions to former Ida Wing building to form 56 'extra care' housing units (C3 use).</p>	49 - 58
14			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note the date and time of the next meeting as Thursday, 14 June 2012</p>	

To:

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

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

Contact: Andy Booth
Tel: 0113 247 4325
Fax: 0113 395 1599
andy.booth@leeds.gov.uk
Your reference:
Our reference: ppw/sitevisit/
2011

Dear Councillor

PLANS PANEL (WEST) – SITE VISITS – THURSDAY AT 1.30 pm

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

- 1 11.10 a.m. Application 12/01131/FU – Three storey rear extension to form six flats, associated parking and landscaping – land adjacent to 16 Ash Grove, Headingley. Leave 11.25 a.m. (If travelling independently meet at entrance to restaurant off St Anne's Road)
 - 2 11.35 a.m. Application 12//01673/FU – Retrospective application for polytunnel and shed, Kirkside House, 1 Spen Lane, West Park. (If travelling independently meet on Park Road,)
- Return to Civic Hall at 12.00 p.m. approximately

A minibus will leave the Civic Hall at 10.55 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 10.50 am

Yours sincerely

Andy Booth
Governance Officer

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PLANS PANEL (WEST)

THURSDAY, 26TH APRIL, 2012

PRESENT: Councillor in the Chair

Councillors J Akhtar, B Chastney,
M Coulson, K Groves, J Hardy, J Harper,
T Leadley, P Wadsworth and A Castle

126 Declarations of Interest

Councillor M Coulson declared a personal interest in Agenda Item 9, Applications 12/00014/FU and 12/00598/LI, Former Pudsey Grangefield School as he was a former Governor of the school.

127 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors N Taggart, R Wood and J Matthews. Councillor A Castle was in attendance as a substitute for Councillor R Wood.

128 Minutes - 29 March 2012

RESOLVED – That the minutes of the meeting held on 1 March 2012 be confirmed as a correct record.

129 Application 12/00654/FU - 50 Otley Road, Guiseley, LS20

The report of the Chief Planning Officer introduced an application for the change of use from a retail sales shop (A1) with flat to hot food take away (A5) with storage at 50 Otley Road, Guiseley, LS20 8AH.

The application had been referred to Panel at the request of a local Ward Member.

Members were shown site plans and photographs of the premises.

Issues highlighted in relation to the application included the following:

- It was proposed to install an extraction ventilation flue to the rear of the premises.
- Although policy did allow for non-retail use, including hot food takeaways, the change of use would take the frontage of the parade of shops in which it was included over the 30% non-retail frontage threshold.
- The proposal indicated that the flat above the shop would be used for storage.
- The application had been recommended for refusal.

The applicants representative addressed the meeting. He raised the following issues:

- The premises was previously used for the sale of computer and telephone peripherals and had been empty for the past two years.
- The premises had been approved for non-retail use previously and had been used for hot food takeaways in the 1990s.
- Reference was made to the number of recent shop closures in the area.
- The premises had been approved for (A2) usage.
- It was requested that permission be granted to bring the premises back into use.

In response to Members comments and questions, the following issues were discussed:

- It wasn't felt that the change of use would impact on the residential amenity of the flat above the premises. The extraction flue would have grease and odour filters. The applicant would be happy to accept a condition that the flat was let in conjunction with the premises.
- The applicant would be happy to remove the metal shutters from the front of the premises.
- The premises would likely to be only open on an evening.
- There was no internal connection between the flat and the shop premises.

RESOLVED – That the application be approved in principle with the decision deferred and delegated to the Chief Planning Officer and subject to a Section 106 agreement to tie the first floor residential accommodation to the ground floor A5 use and to secure the removal of the roller shutters.

130 Application 12/00564/FU - 230 Stanningley Road, Bramley, LS13

The report of the Chief Planning Officer introduced an application for the change of use of ground floor and workshops to offices and first floor extension at 230 Stanningley Road, Bramley, Leeds. Members were shown photographs and site plans.

The application had been brought to Plans Panel as the applicant was a serving Ward Member.

It was reported that permission had previously been granted but had now lapsed. Further issues highlighted in relation to the application included the following:

- The extension would be to the first floor only.
- Further car parking spaces would be available.
- Internal works had already been carried out. These did not require planning permission.
- The application was recommended for approval.

RESOLVED – That the application be approved subject to conditions as outlined in the report.

131 Applications 12/00014/FU & 12/00598/LI - Former Pudsey Grangefield School, Mount Pleasant Road, Pudsey, LS28

The report of the Chief Planning Officer brought back an application that had been deferred at the meeting on 29th March 2012. The application was for the change of use of a former school building and listed building application for internal and external alterations, partial demolition and extensions to form 49 flats. The application had been deferred to give the applicant opportunity to further consider the concerns regarding car parking in the area.

It was reported that following further discussion with the applicant and highways, that an offer had been made by the applicant for a contribution of £30,000 towards a residents parking scheme.

RESOLVED – That approval be deferred and delegated to the Chief Planning Officer subject to the specified conditions and the securing of £30,000 via an agreement under Section 106 of the Planning Act to fund an appropriate parking permit scheme for existing residents on the surrounding streets.

132 Date and Time of Next Meeting

Thursday, 24 May 2012.

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Report of the Chief Planning Officer

Plans Panel West

Date: 24th May 2012

Subject: APPLICATION NUMBER 12/01131/FU – 3 STOREY REAR EXTENSION TO FORM 6 FLATS, ASSOCIATED PARKING AND LANDSCAPING AT LAND ADJACENT TO 16 ASH GROVE, HEADINGLEY LS6 1AY

APPLICANT

Cotech Investments

DATE VALID

9th March 2012

TARGET DATE

4th May 2012

Electoral Wards Affected:

Hyde Park and Woodhouse

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION subject to the following conditions:

1. Standard 3 year time limit.
2. Details of approved plans
3. Walling and roofing materials to be submitted and approved
4. Submission and implementation of a landscaping plan
5. Landscape maintenance schedule
6. Tree replacement condition
7. Submission and approval of surface water drainage details
8. Details of bin and cycle storage to be submitted and approved
9. Details of boundary treatments to be submitted and approved
10. Areas to be used by vehicles to be laid out, hard surfaced and drained
11. Parking spaces should be unallocated for the lifetime of the development
12. Submission of a Phase 1 Desk Top Study
13. Amendment of remediation statement
14. Submission of verification statements
15. All windows above ground floor on the western elevation of the extension shall be obscure glazed and thereafter retained
16. Notwithstanding the details on the approved plans, conservation type rooflights will be used
17. Prior to commencement of development full details of the new balcony to the existing building shall be submitted and approved in writing

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government guidance and policy as detailed in the National Planning Policy Framework, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG), the Regional Spatial Strategy 2008 (RSS) and The Development Plan, the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N12, N19, BD6, BC7, T2, T24, H15
Neighbourhoods for Living
Headingley and Hyde Park Neighbourhood Design Statement

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

1.0 INTRODUCTION:

1.1 This application is brought to West Plans Panel as a result of a request from two ward councillors, Councillor Gerry Harper and Councillor Neil Walshaw, on the grounds that the proposal will result in a significant imbalance in the community. There are also concerns that the proposal will exacerbate existing problems regarding noise, litter and parking.

2.0 PROPOSAL:

2.1 The proposal is for a three storey rear extension on 16 Ash Grove, the Hyde Park Social Club. The extension consists of one 2 bed flat and five 1 bed flats with associated parking and landscaping.

2.2 In design terms, the extension follows the character of the host building with vertically aligned windows and a brick string course. The extension is subordinate in character being lower at the ridge line than the host building and set back slightly from the side elevation of the existing property.

3.0 SITE AND SURROUNDINGS:

3.1 The site is located within the Headingley Conservation Area and is also located within the defined Area of Housing Mix. The site comprises the former Hyde Park Recreation Club, the car parking area to the western and southern boundaries of the site and the private rear amenity space to the former caretaker's accommodation at 14 Ash Grove. The building on the site is four storeys in height and is traditional Edwardian brick built building with a large front tower which makes a positive contribution to the Headingley Conservation Area. The building has been expanded to the rear in red brick to provide a staircase. The upper two floors of the existing building have been converted into residential accommodation while the lower two floors are presently in use as a private members club.

3.2 The site is adjacent to a terrace of residential properties to the north with private space to the rear on Ash Grove, to the south of the site is low rise two storey residential accommodation, and to the west is a sports hall belonging to Leeds Girls High School. Ash Grove is an attractive street predominantly in residential use and with a mixture of 2 and 3 storey terrace housing with strong frontages and build line and traditional gabled roof designs. The street slopes away from north to south and

the car parking area is located at a lower level than the adjacent Ash Grove highway. The street is considered to make a positive contribution to the Headingley Conservation Area.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 26/130/98/FU - 4 storey extension to form 4 one bedroom flats
Refused 17th November 1998
- 4.2 26/97/98/FU - 4 storey extension to form 3 three bedroom & 1 two bedroom flats to rear of social club
Refused 17th November 1998
- 4.3 The above two applications were the subject of a conjoined appeal (Hearing). Reference T/APP/N4720/A/99/1022686/P7 & T/APP/N4720/A/99/1022695/P7. The Inspector dismissed the appeal 23rd September 1999
- 4.4 26/10/97/FU - Change of use and four storey extension of social club to 4 five bedroom 1 four bedroom and 2 one bedroom flats
Approved 11th November 1997
- 4.5 07/03877/FU – 4 storey block of 5 two bed flats and 1 one bed flat with 19 car parking spaces
Refused 31st August 2007
This application was subject to an appeal (APPN4720/A/08/2064018/NWF) which was dismissed on 25th June 2008.
- 4.7 09/02706/FU - 4 storey block of 6 two bedroom flats with 18 car parking spaces attached to rear of club with flats above
Withdrawn
- 4.8 10/01462/FU – 3 storey extension comprising 5 additional 2 bed flats
Refused 26th July 2010
This application was subject to an appeal (APPN4720/A/10/2141708/NWF) which was dismissed on 23rd May 2011
- 4.9 10/04134/FU - 3 storey extension comprising 5 additional 2 bed flats
Refused 5th November 2011
This application was subject to an appeal (APPN4720/A/10/2141708/NWF) which was dismissed on 23rd May 2011
- 4.10 The appeals for 10/01462/FU and 10/04134/FU were dealt with together by the inspector. The main issue in both cases was the impact of the proposal on the character and appearance of the existing building and the streetscene and whether it would preserve or enhance the character or appearance of the Headingley Conservation Area.
- 4.11 The inspector found that the schemes were similar in the accommodation they provided with similar designs. He stated that the appeal site did not contribute greatly to the character and appearance of the Conservation Area. However the existing building had an imposing quality as a result of its scale and architectural embellishments and that it was essential that any development proposal respected these qualities.

- 4.13 The extensions were both large in scale (although smaller than the scheme dismissed on appeal in 2007) and the inspector found that these would visually compete with the existing building and failed to promote local distinctiveness.
- 4.14 The inspector did not have concerns about the level of amenity for future occupiers nor that the proposals would fail to improve the variety of student housing stock available in the area. Amenity for existing residents was also not considered to be impacted given the existing intensive residential character of the area and presence of the social club. He also considered highway safety issues which were raised by a number of residents. He did not consider that any shortfall in parking on the site would result in any significant harm to highway or pedestrian safety.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 52 letters of representation have been received, all of which object to the proposal. Correspondence has been received from two ward councillors, the local MP and 3 local residents' groups.
- 6.2 The ward councillors object to the proposal on the grounds that it is contrary to LCC policy, particularly H6 (HMOs, student accommodation and flat conversions) of the draft Core Strategy. They also consider that the proposal will lead to increasing problems with noise, littering, parking and traffic levels and does not enhance the appearance of the existing building.
- 6.3 The Hilary Benn Member of Parliament makes similar comments expressing concern about the high number of student flats in the area, the effect on existing parking problems and a possible detrimental impact on the Headingley Conservation Area.
- 6.4 The issues raised by residents in their representations are:
- Contrary to policy relating to students and balanced communities contained in the draft Core Strategy
 - Will result in an imbalance in the community – a plan of student properties on Ash Grove was submitted as well as a copy of LCC's student housing density plan
 - Contrary to policy H15 of the UDPR
 - Increased problems with noise, littering and anti-social behaviour
 - The proposed building will overlook the gardens of properties to the South
 - The application should be returned to the applicant under section 43 of the Planning and Compulsory Purchase Act 2004 – this gives local authorities the right to refuse to consider applications made within two years of the refusal of two similar applications
 - Loss of garden to adjoining property, No.14, to provide garden for new flats
 - There is not sufficient parking on site and Ash Grove is already over parked. There would be a consequent impact on highway safety.
 - Emergency vehicles would be unable to get down the street
 - Proposed extension is too close to the rear boundary
 - Inappropriate addition to attractive building
 - Loss of open space
 - Harm to the character of the Conservation Area

- The club needs to retain its parking and garden area
- Site is not brownfield
- There are trees near the site which will be affected
- Windows in the new extension do not line up with the existing building
- Gardens to front and rear of properties are part of the local character
- Proposal will spoil existing community spirit within this street

7.0 CONSULTATION RESPONSES:

- 7.1 Drainage - no objections in principle subject to conditions and Yorkshire Water's agreement to building over of the on-site sewer.
- 7.2 Yorkshire Water – no objections. Issues related to the sewer can be dealt with under Building Regs.
- 7.3 Contaminated land – conditions recommended
- 7.4 Highways – a revised plan was submitted to address initial concerns raised by highways officers. The issues are now resolved and conditions are recommended.
- 7.5 Environmental Health have noted that there are currently 2 complaints regarding music levels and noise from people using the outside area of the club. It is also noted that the amenity of the flats will be compromised by noise from outside the premises and possible noise transmission through the building structure. This was an issue dealt with by the appeal inspector in the 2011 decision. He noted that occupiers of the proposed flats would be subjected to noise from the social club but this would be little different to that experienced by existing residents in the vicinity and he attached little weight to this matter.

8.0 PLANNING POLICIES:

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

Development Plan:

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

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

N12 – Urban design priorities

N19 – extensions in Conservation Areas

BD6 – alterations and extensions

BC7 – use of traditional local materials in Conservation Areas

T2 – highways issues

T24 – parking provision for new development

H15 – Area of housing mix

Relevant supplementary guidance:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following

SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Street Design Guide
Neighbourhoods for Living
Headingley and Hyde Park Neighbourhood Design Statement
Headingley Hill Conservation Area Appraisal (draft)

National planning policy

National Planning Policy Framework: Paragraph 56 refers to the impact of good design as being a key aspect of sustainable development. Paragraph 58 bullet point 3 refers to the desire to optimise the potential of the site to accommodate development. Paragraph 131 refers to the requirement of Local Planning Authorities to take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

9.0 MAIN ISSUES:

9.1 The principle of the development

9.2 Design and character

9.3 Impact on the Conservation Area

9.4 Area of Housing Mix

9.5 Highways issues

9.6 Amenity

10.0 APPRAISAL:

The principle of the development

10.1 The principle of residential accommodation on the site has been accepted by planning approval 26/10/97/FU for a flats' development. The current proposal seeks to extend that use and is acceptable subject to other material planning considerations. The inspector's decision of 2011 supports this view.

Design and character

10.2 In design terms, the proposal uses elements from the host building and replicates them on a smaller scale suitable to an extension. Materials are proposed to match existing included timber windows and doors.

- 10.3 The extension is subordinate in character being set back from the dominant side elevation of the host building. The roof ridge is set below that of the existing property ensuring the proposal appears subservient in height as well as massing.
- 10.4 The siting of the extension to the rear of the property is considered more appropriate than the previous applications in which the extension sat across the rear of the site and parking area. The inspector noted that these extensions were substantial and highly prominent structures which would visually compete with the building rather than result in a subordinate addition. It is anticipated that the siting of the current proposal will ensure that the proposal is not significantly prominent in the streetscene. The set back of the extension behind the existing western elevation of the building will further ensure that the extension remains subordinate.
- 10.5 The window detailing and string course detail of the existing western elevation are carried through in to the extension. The ground floor of the extension follows exactly the proportions of the host building. At this level the string course follows through from the host building to the extension.
- 10.6 Window size and design on the host building relates to the status of different floors of the building. The first floor windows being the largest and most detailed serve the most important rooms of the building. This change in scale does not follow through into the extension although the new windows do follow the design detail of the original with a multi-paned feature to the top light and a vertical emphasis. It is considered that windows which followed the host building exactly in size and style would compete with the host building and result in an unacceptably prominent extension.

Impact on the Conservation Area

- 10.7 The existing building is considered a positive building within the Conservation Area. The Headingley and Hyde Park Neighbourhood Design Statement and Headingley Hill Conservation Area Appraisal highlights the large front gardens of the properties on Ash Grove as a particular feature of the area. The garden area to the front of the existing building will be retained whilst the existing parking area to the side will be improved with block paving to parking bays and a landscaped area to the rear.
- 10.8 The extension is sited on an existing car park area for the pub to the rear of the building and at the end of Back Ash Grove. The discrete siting of the extension is considered to ensure that it has little impact on the streetscene with views of the proposal being visible only down Back Ash Grove and obliquely across the car park from Ash Grove. The set back of the extension will ensure that it appears subordinate to the host building and reads as an extension. Overall the size, siting, design and appearance of the proposed extension is considered likely to have a neutral effect upon the character and appearance of the host building and this part of the Headingley Conservation Area.
- 10.9 There are no trees on the site within, or close to, the area to be occupied by the extension.

Area of Housing Mix

- 10.10 The site is within the Area of Housing Mix and policy H15 is applicable. The accommodation is not specifically for students although the appeal inspector noted in his 2011 report that it was most likely to be occupied by students given the proximity to the university and student flats within the existing social club building.

10.11 Policy H15 gives a number of criteria where student accommodation would be acceptable. The policy states:

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, would not be unacceptably reduced in terms of quantity and variety;*
- II) there would be no unacceptable effects on neighbours' living conditions including through increased activity, or noise and disturbance, 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 would be made for car parking; and*
- V) the proposal would improve the quality or variety of the stock of student housing.*

10.12 The proposal would have no impact on the stock of housing accommodation as it is new build and no demolition of existing housing is required to facilitate the proposal. The inspector found in his report of 2011 that there would not be an unacceptable impact on neighbours' living conditions, either from the proposal itself or combined with existing accommodation. The inspector stated that 'given the intensive residential nature of the area and the presence of the social club, activity associated with the proposals would not warrant dismissal of the appeals on the basis of noise and disturbance'. Likewise he did not see evidence which proved the proposal would fail to improve the quality or variety of the stock of student housing.

10.13 While in the 2011 appeal the proposal failed to meet criteria III relating to the scale and character of the proposal, it is now considered, as discussed above, that the proposal is acceptable in these terms.

10.14 Policy H6 of the draft Core Strategy is cited by a number of the residents who have made representations on this application. It is not considered directly relevant to this application as it refers to Houses in Multiple Occupation, student accommodation and flat conversions only. The proposal does not constitute HMOs or flat conversions and is not specifically student accommodation.

Highways issues

10.15 Criteria IV of policy H15 requires that sufficient parking provision is made for any new proposals. Highways officers had asked for revisions to the original layout to allow for delivery vehicle turning and clear access to all parking spaces. This has now been achieved and parking levels are acceptable. The appeal inspector confirmed that while there may be some overspill parking on to the highway at peak times, he did not think this was unacceptable and would not lead to serious safety problems.

Amenity

10.16 The issues of the impact of the proposal on the amenity of neighbouring residents has been discussed above.

10.17 The proposed accommodation is considered to provide good levels of amenity for future residents. Flats have windows to front and rear elevations whilst the attic

floor flat is served predominantly by rooflights with one window within the western elevation. A number of other windows are proposed in this western elevation and will overlook the former Leeds Girls High School swimming pool site. It is not considered acceptable to have windows at this high level and in close proximity to the boundary as they will result in overlooking; however they are secondary windows to living accommodation and therefore a condition has been proposed to ensure the windows above ground floor (which can be screened by boundary treatment if required) are obscure glazed.

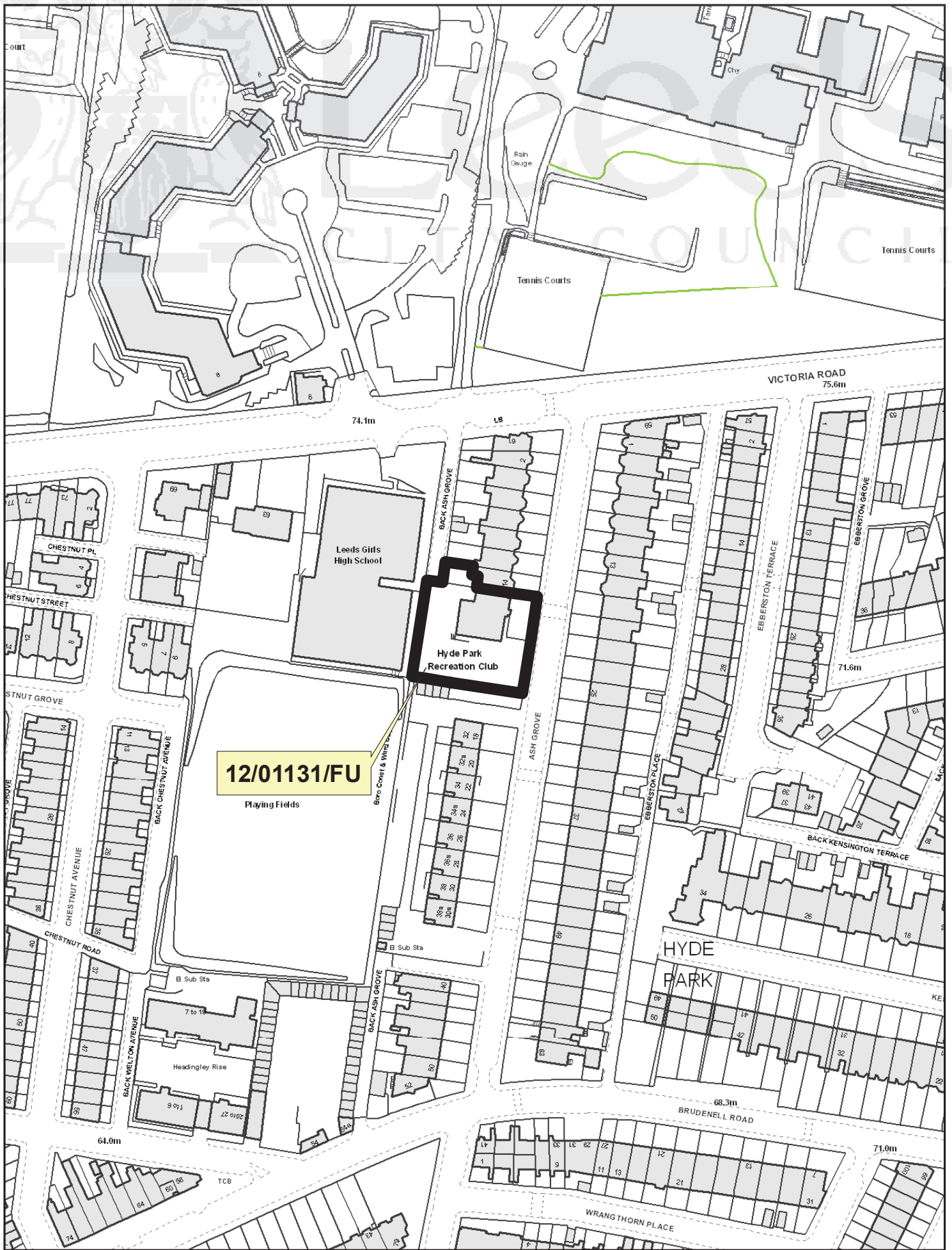
- 10.18 Windows on the southern elevation are approximately 15m from the boundary and meet distances in Neighbourhoods for Living. In the northern (rear of the extension) elevation, the extension is 4m from the boundary. Windows will look along Back Ash Grove and across the rear yard of No.14 Ash Grove which is in the ownership of the applicant. The rear yard of No.14 is included within the red line boundary of this application and is proposed as an area of communal space. This was also the case in the previous applications in 2010. The proposed area of landscaped garden is considered to result in an improvement in amenity for all residents, including existing, who will benefit from an enhanced environment of outside space which they can use.
- 10.19 The orientation of the buildings will result in some overshadowing of the rear yard area of No.14 Ash Grove in the middle of the day. However there is some set back of the extension from the adjoining boundary which will reduce the impact. The existing social club already overshadows the rear of the property at No.14 and so impact this will remain largely unchanged.
- 10.20 As stated above the appeal inspector has determined that the adjoining social club would not have a detrimental impact on future occupiers' amenity. It is also considered that the outside amenity space is reasonable for the level of proposed accommodation. Existing residents will also benefit from the improved outside space.

11.0 CONCLUSION:

- 11.1 The proposal is considered to comply with relevant policy and to address the outstanding issues raised by the appeal inspector in 2011. These predominantly related to the design and character of the proposed extension and its impact on the character and appearance of the Conservation Area and host building. The current proposal is considered to take elements from the host building and replicate them in a subordinate extension which does not compete with the impressive detailing of the original.

Background Papers:

Application and history files.



WEST PLANS PANEL





Originator: G Jones

Tel:0113 2475646

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24th May, 2012

Subject: APPLICATION 12/01510/FU for conservatory to rear at 3 Meadow Garth, Bramhope, Leeds LS16 9DY.

APPLICANT	DATE VALID	TARGET DATE
Mr Davey	02.04.12	28.05.12

Electoral Wards Affected:
Adel & Wharfedale

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
GRANT PLANNING PERMISSION subject to the following conditions:

1. Development permitted shall be begun before the expiration of three years from the date of this permission.
2. Development to be carried out in accordance with the approved plans.
3. Brickwork of dwarf wall to match that of the host dwelling.

Reasons for Approval: The application proposal is not considered to cause harm to the character or visual amenities of the area and, due to the nature of the proposal, it will not impact on the amenity of neighbouring dwellings. The scheme is considered to accord with the relevant policies contained within the development plan and other local and national guidance documents.

1.0 INTRODUCTION:

- 1.1 The application is reported to Panel for determination as required under the delegation agreement because the applicant is a Councillor (City & Hunslet Ward).

2.0 PROPOSAL:

- 2.1 The applicant seeks permission for a conservatory to be constructed to the rear of this link-detached dwelling. The conservatory will have a shallow 3-way hipped roof with an apex height of 3.2m and an eaves height of 2.2m. It will measure 6.5m in width and will project out 4m from the Dining room and 4.4m from the kitchen wall due to the slightly staggered nature of the rear elevation of the host dwelling. It will be set in approximately 1.1m from the nearest side boundary shared with the linked neighbouring dwelling. All the above measurements are approximations as they have been scaled off from the submitted scale drawings.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of a large end link-detached property situated at the turning head of cul-de-sac located on the south-western edge of Bramhope Village. The property occupies a corner plot and benefits from a large and well screened rear garden. The garden level rises slightly towards the rear boundary. The linked dwelling has a recessed garage adjoining the applicants dwelling and a two storey gabled projecting extension to the rear. The dwelling has been previously extended and significantly altered from its original form as have many of the other dwellings within the immediate locality.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application site:
10/042625/FU – Recladding of front elevation with natural stone (Approved).
09/053747/FU – Pitched roof to form canopy over entrance and ground floor window to front and re-cladding of first floor area to front in brick (Approved).
Various historic applications relating to previous extensions and alterations to this dwelling to the side and to rear.
- 4.2 Neighbouring Sites:
29/79/94/FU: 2 Meadow Garth, Part single and part two storey rear extension (Approved).

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 Bramhope & Carlton Parish Council – No objection

6.0 CONSULTATIONS RESPONSES:

- 6.1 None.

7.0 PLANNING POLICIES:

- 7.1 Local – Leeds Unitary Development Plan (Review 2006) Policies:
GP5: Gives advice in relation to new development stating that all new development should not have a detrimental impact on amenity.
BD6: Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.
- 7.2 Leeds Householder Design Guide (2012):

HDG1: All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments and
- v) Materials;

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over-dominance or overlooking will be strongly resisted.

8.0 MAIN ISSUES

Character of the host dwelling
Amenity of neighbours

9.0 APPRAISAL

- 9.1 The proposed conservatory is set down and subordinate to the host dwelling and is located to the unobtrusive rear elevation of the dwelling projecting into the large rear garden. Conservatories are a common addition to dwellings within this suburban area and the proposal will not be significantly visible within general public views. The proposal is considered to represent a modest addition to the dwelling which respects the scale and form of the existing dwelling to which it will attach. The use of a matching brick for the solid elements of the conservatory will be required to assimilate the structure positively with the host dwelling and this has been suggested in the application form and controlled by condition.
- 9.2 The conservatory maintains a reasonable gap of just over 1m to the nearest adjacent side boundary and is over 10m from the other side and rear boundaries. The existing boundary fencing provides adequate screening to protect the privacy of the adjacent dwellings and their private garden space. The distance to the rear boundary and side boundary furthest from the conservatory would be sufficient in its own right to protect the privacy of the adjacent rear gardens even without the fencing. It is difficult to apply standard criteria when assessing the projection of the extension relative to the neighbouring dwelling due to the staggered nature of the neighbouring dwellings rear elevation. The garden is north facing and due to the subordinate scale of the extension it will mostly sit within the shadow cast by the existing host dwelling and will not add significantly to overshadowing in its own right. The height of the conservatory and its very shallow roof form relative to the adjacent boundaries results in only a limited proportion of the structure being visible relative to the neighbouring dwelling. The set back from the shared boundary further limits the conservatory's impact in terms of dominance relative to the neighbouring dwelling and its domestic curtilage.

10.0 CONCLUSION

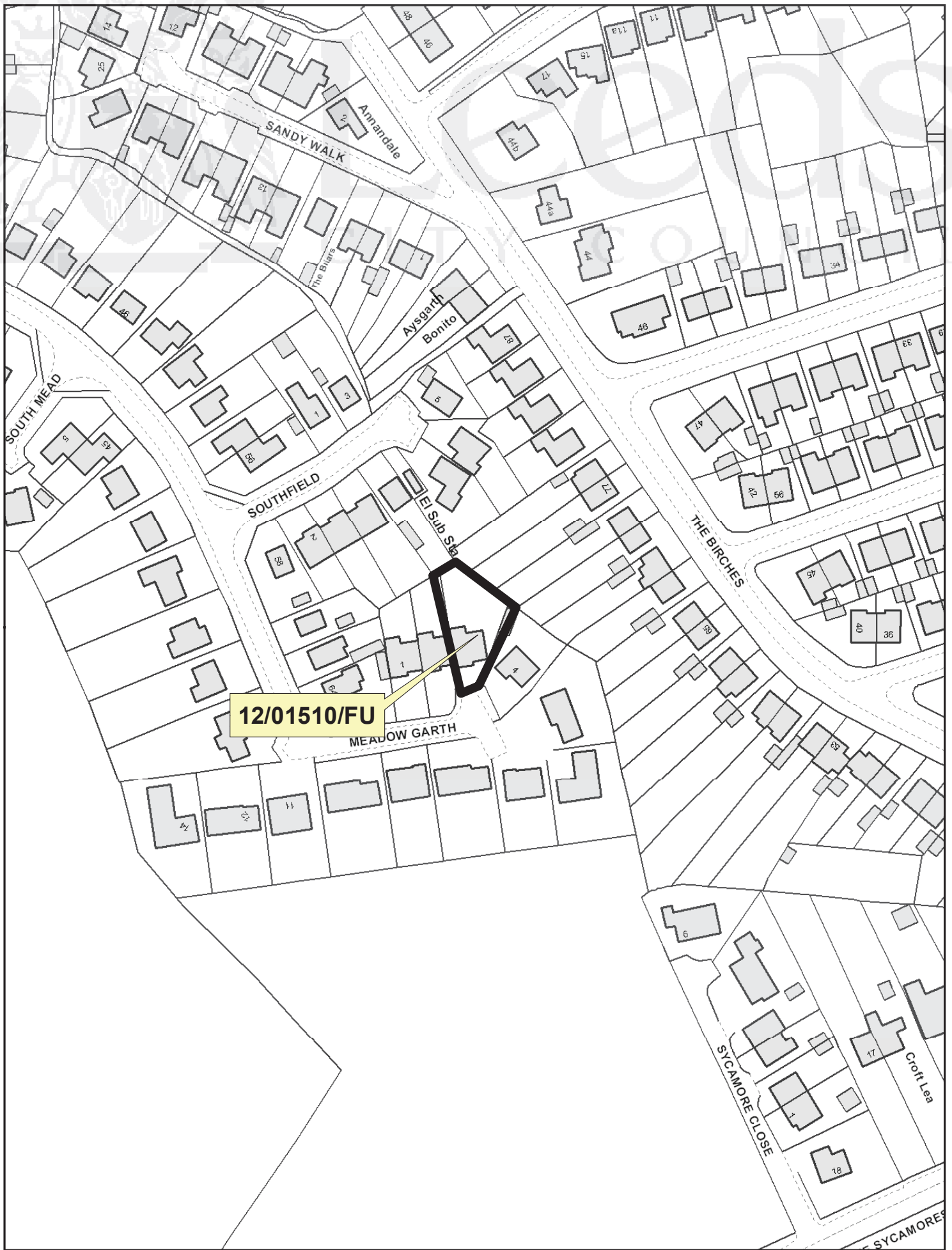
- 10.1 Consideration has been given to the development plan and all other material planning considerations and it is recommended that planning permission be granted for this proposed development as it accords with the development plan and will result in no significant demonstrable harm. The application is straight forward with

no issues of concern and has been presented to panel purely as a consequence of the applicant's position as Councillor.

11.0 Background Papers:

Application and history files.

Certificate A signed by the applicant declaring that all land is owned by applicant.



12/01510/FU

WEST PLANS PANEL



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Originator: G Jones

Tel:0113 2475646

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24th May, 2012

Subject: APPLICATION 12/01586/FU - Balcony and new 'french' door to first floor side at Greystones, Kelcliffe Lane, Guiseley Leeds LS20 9DE.

APPLICANT	DATE VALID	TARGET DATE
Mrs A Kearsley	10.04.12	05.06.12

Electoral Wards Affected:
Guiseley & Rawdon

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
GRANT PLANNING PERMISSION subject to the following conditions:

1. Development permitted shall be begun before the expiration of three years from the date of this permission.
2. Development to be carried out in accordance with the approved plans.

Reasons for Approval: The application proposal is not considered to cause harm to the character or visual amenities of the area and, due to the nature of the proposal, it will not impact on the amenity of neighbouring dwellings. The scheme is considered to accord with the relevant policies contained within the development plan and other local and national guidance documents.

1.0 INTRODUCTION:

- 1.1 The application is reported to Panel for determination as required under the delegation agreement because the applicant is a Chief Officer employed by the Council.

2.0 PROPOSAL:

- 2.1 The applicant seeks permission for the formation of a balcony to the side and alterations to the existing window openings and dormer to form 'French' style doors opening onto the balcony at first floor level. Sliding doors were originally proposed but these have been changed at the request of the applicant. The balcony will create a raised platform approximately 2.9m above the surrounding ground level. It will measure approximately 1.5m in width and 6.3m in length and will have 1.1m high clear glazed panels around it.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is located on the north western suburban edge of Guiseley with access off a private road and open fields to the north and west of this property. The dwelling sits within a triangular plot which narrows towards the rear. It is well screened from views from Kelcliffe Lane by mature trees which line the lane. Two footpaths lead to the front and rear of the dwelling across the open fields. The side elevation affords attractive long distance views across open fields and countryside beyond.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application site:
H28/670/76/: Alterations to form bedroom, and extension to form bathroom and bedroom, over existing garage and porch, to side of dwelling (Approved).
- 4.2 Neighbouring Sites:
28/250/05/FU: Etrick Kelcliffe Lane, Two storey side extension (Approved).

5.0 PUBLIC/LOCAL RESPONSE:

- 5.1 One letter of support has been received from the occupiers of a nearby dwelling.

6.0 CONSULTATIONS RESPONSES:

- 6.1 None.

7.0 PLANNING POLICIES:

- 7.1 Local – Leeds Unitary Development Plan (Review 2006) Policies:
GP5: Gives advice in relation to new development stating that all new development should not have a detrimental impact on amenity.
BD6: Gives advice in relation to extensions to residential properties which states that extensions should respect the scale, form, detailing and materials of the original building.
- 7.2 Leeds Householder Design Guide (2012):

HDG1: All alterations and extensions should respect the scale, form, proportions, character and appearance of the main dwelling and the locality/ Particular attention should be paid to:

- i) The roof form and roof line;
- ii) Window detail;
- iii) Architectural features;
- iv) Boundary treatments and
- v) Materials;

HDG2: All development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, over-dominance or overlooking will be strongly resisted.

8.0 MAIN ISSUES

Character of the host dwelling
Amenity of neighbours

9.0 APPRAISAL

9.1 The proposal will have a minimal impact on the existing character and appearance of the host dwelling. The alterations to the existing dormer window to enable access to the balcony will not significantly alter the appearance of the existing dormer. The balcony is a lightweight structure and the safety screens are to be clear glazed which will allow the existing character of the property to be read through the structure. The position of the structure is such that it will not form a significantly intrusive feature from general public view points and will have limited impact on how the property is viewed in the context of other nearby dwellings. The minimal nature of the alterations will not significantly alter long distance views of the property across the fields. This elevation faces away from the adjacent Conservation Area and will not significantly affect the context of views of the Conservation Area.

9.2 The adjacent open fields are designated as Green Belt and has very limited potential for development as a result. The balcony will afford increased views of this land which is overlooked by the existing dormer. Despite the relatively close proximity to the Green Belt boundary the nature of the proposal will not significantly affect the openness or compromise views of the adjacent Green Belt. Given the limited development potential it is not considered likely to prejudice future development of this land by its close proximity. There are no dwellings within sufficient proximity of the proposed balcony that would be directly overlooked by views from the balcony.

10.0 CONCLUSION

10.1 Consideration has been given to the development plan and all other material planning considerations and it is recommended that planning permission be granted for this proposed development as it accords with the development plan and will result in no significant demonstrable harm. The application has been presented to panel purely as a consequence of the applicant's senior position within the Council rather than due to officer or local concern regarding the merits of the application.

11.0 Background Papers:

Application and history files.

Certificate A signed by the applicant declaring that all land is owned by applicant.



Originator: Bob Packham

Tel: 2478204

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24 May 2012

Subject: APPLICATION 12/01673/FU – Retrospective application for polytunnel and shed at Kirkside House, 1 Spen Lane, West Park

APPLICANT
Mr A Clarke

DATE VALID
13 April 2012

TARGET DATE
8 June 2012

Electoral Wards Affected: Kirkstall

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION: Defer and delegate approval to the Chief Planning Officer, subject to expiration of consultation period on 31 May 2012 and to the conditions specified:

- 1) Temporary consent 5 yrs
- 2) Retention of beech hedge and maintenance at a height of 3 metres
- 3) Polytunnel to be used solely for purpose specified in the application and for no commercial purpose whatsoever.
- 4) Polytunnel to be removed if the use specified in the application ceases.

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory and other consultees, public representations about the application and Government Guidance and Policy as detailed in the National Planning Policy Framework and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of The Yorkshire and Humber Plan - Regional Spatial Strategy 2008 (RSS) and the Leeds Unitary Development Plan Review 2006 (UDPR).

Policies: GP5; N19; A1

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

1.0 INTRODUCTION:

1.1 The application is being reported to Panel at the request of Councillor Yeadon and Councillor Nash on the grounds that they consider the development is detrimental to the character of the Conservation Area.

2.0 PROPOSAL:

2.1 This is a retrospective application for full planning permission for a polytunnel and shed. Both are located in the grounds of Kirkside House in an area to the south west of the house which comprises a kitchen garden. The garden is enclosed to the north west and north east by a 2 metre high close boarded fence and to the south west and south east by a recently planted beech hedge, currently about 1.5 metres in height.

2.2 The polytunnel is 17.1 metres in length by 5.6 metres wide and has a maximum height of 3 metres. It is 22 metres from the south western boundary and 20 metres from the south eastern boundary. The shed, which is of timber construction, is 4 metres by 2.4 metres and has a ridge height of 2.5 metres.

2.3 The fenced garden area, shed and polytunnel have been constructed to provide horticultural activities for residents of Kirkside Residential Care Home which specialises in the care and support of individuals with minor to severe mental, behavioural and or physical impairment in the 18-40 age group. In addition residents of other care homes are transported to the site one day a week to undertake gardening activity.

3.0 SITE AND SURROUNDINGS:

3.1 Kirkside House (formerly known as Crooked Acres) is located south west of the junction of Spen Lane and Abbey Walk, within the Kirkstall Abbey Conservation Area. The house itself is located on the Spen Lane frontage, with vehicular access close to the Abbey Walk junction and a car parking area immediately to the east of the house. The land steps down from the house to the main garden area within which the polytunnel and shed are located, an area which appears to have been a lawn to the property before the kitchen garden area was enclosed.

3.2 On three sides of Kirkside House, within the curtilage of the property, there are numerous trees, mainly deciduous. A stone wall marks the boundary of the curtilage with Abbey Walk whilst to the south railings separate the grounds of Kirkside House from a large car park for visitors to the Kirkstall Abbey Estate. To the south and east of the car park and beyond the north western boundary of the curtilage of Kirkside House is a large open space, either side of Vesper Lane which is used for both casual and formal out door recreation.

3.3 Kirkside House is effectively isolated from other development in the area by Spen Lane and Abbey Walk. There is no Conservation Area appraisal for this Conservation Area, and the house is not listed but it is clearly a significant building of character.

4.0 RELEVANT PLANNING HISTORY:

24/329/01/FU: Laying out of enlarged car park to clinic. Approved: 16.10.2001

07/02745/FU: Change of use of residential care home and outbuildings to 9 flats, with 15 car parking spaces. Approved 29.10 2007

08/06493/FU: Alterations to southwest elevation of residential care home annexe. Approved 26.02.2009

5.0 HISTORY OF NEGOTIATIONS:

5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application was advertised by way of a site notice posted on 27 April 2012 (Character of Conservation Area) and published in the Leeds Weekly News on 10 May 2012. Publicity expires on 31 May 2012. No comments have been received as a result.

6.2 Ward Councillors were consulted by email on 20 April and again on 2 May. In relation to the latter consultation Councillor Atha has indicated no objection on the basis that any damage to the environment is far outweighed by the social benefits of the proposal.

6.3 Councillor Nash (Ward Councillor for City and Hunslet), who lives in the vicinity of the site, strongly objects to the application as an industrial sized polytunnel and would wish the application to go to Plans Panel and for Panel to visit the site. Councillor Yeadon supports these objections.

7.0 CONSULTATIONS RESPONSES:

Statutory: None

Non-statutory:

SDU Conservation: No objection

8.0 PLANNING POLICIES:

8.1 Leeds Unitary Development Plan (Review 2006)

The site is shown on the proposals map as being within the main urban area and within a Conservation Area.

GP 5: Development proposals should resolve detailed planning considerations.

N19: New buildings in conservation areas.

SA8: Access to facilities for all sections of the community.

A1: Priority to those groups in the community that are relatively disadvantaged in their access to facilities.

8.2 Government Planning Policy Guidance
National Planning Policy Framework

9.0 MAIN ISSUES

- Principle of development
- Impact on Conservation Area
- Relevance of other policies

10.0 APPRAISAL

Principle of development

- 10.1 The site is within the main urban area. The proposal may constitute permitted development if associated with a residential property, but in this case the use is associated with the care home use and therefore requires planning permission. The development is acceptable in principle subject to consideration of its impact on the Conservation Area and assessment of other material considerations.

Impact on Conservation Area

- 10.2 Policy N19 of the UDPR indicates that all new buildings in the Conservation Area should preserve or enhance the character of the area, and refers to the need to ensure that siting and scale, design and materials, and boundary and landscape treatment are considered.
- 10.3 Paragraph 131 of the NPPF indicates that in determining planning applications in Conservation Areas local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 134 advises that where a development will lead to substantial harm of a designated heritage asset this harm should be weighed against the public benefits of the proposal.
- 10.4 It is clear therefore that's the starting point is to assess whether the proposal will preserve or enhance the conservation area and if not whether the proposal will cause substantial harm.
- 10.5 The proposed shed is of limited size and of timber construction. It is located in the centre of the site and is not prominent in any views from outside the site,
- 10.6 The polytunnel is of a different scale, with a footprint of 17.1 metres by 5.6 metres, and is clad with white sheeting. It can be seen from some locations outside the site, specifically:
- **From the large abbey car park to the west.** The latter is at a lower level than the garden where the polytunnel is sited. Between the car park and the poly tunnel are railings, a sloping bank with vegetation ground cover and a number of mature trees and, on the boundary of this woodland and south of the poly tunnel, a recently planted beech hedge.
 - **From Abbey Walk to the south.** The top of the polytunnel is visible above the boundary wall of Kirkside House, although there are further mature trees along the southern boundary of the site which break up views of the structure.

- 10.7 The polytunnel is not visible from locations east and north of Kirkside House where it is screened by the building itself and woodland within the grounds.
- 10.8 The structure clearly has an impact on the conservation area in that it is visible from adjacent public locations and is of materials which do not reflect the typical stone buildings and walls in the area. It could be considered unacceptable if considered against the provisions of Policy N19.
- 10.9 In mitigation, the visibility of the structure is at its greatest in winter as the majority of the surrounding trees are deciduous. In addition, the surrounding beech hedge has only recently been planted and is already beginning to screen the structure from the south. It is intended to allow this to grow to 3 metres in height. The beech hedge will largely screen the structure throughout the year, although it will take some time to grow and infill.
- 10.10 In terms of the advice in the NPPF, it is considered that the structure does not cause substantial harm to the heritage asset and the impact will reduce as the enclosing hedge grows.

Relevance of other policies

- 10.11 In addition to the above policies the UDPR includes other relevant aims and policies. In particular Strategic Aim 8 is to ensure that all sections of the community have access to all types of facilities, whilst Policy A1 gives priority to the needs of groups that are relatively disadvantaged in their access to facilities and requires the operation of planning policies to retain and enhance existing facilities.
- 10.12 In this case the polytunnel is specifically required to provide opportunities for young people with mental and physical disabilities both at this care home and others. It is clear that this sort of facility is likely to provide the only realistic opportunity for this group both in terms of its location (in the safe and secure grounds of the care home) and materials of construction.

11.0 CONCLUSION

- 11.1 The polytunnel clearly has an impact on the Conservation Area. However the extent of that impact is mitigated by existing vegetation, views of the site being from limited locations, and its location in the centre of the site. In addition the extent to which the structure is visible is likely to reduce over time. The balance to be considered is whether this existing and reducing impact is acceptable given the very specific use of the structure and the benefits to a clearly disadvantaged group in society. The application is recommended for approval on the basis that on balance it is considered that the benefits outweigh the identified impacts. The recommendation is subject to conditions to ensure that the polytunnel is used only for the purpose specified and is removed if that use ceases. It is also recommended that temporary permission is granted for 5 years so that the condition of the structure can be reviewed at the end of the five year period.

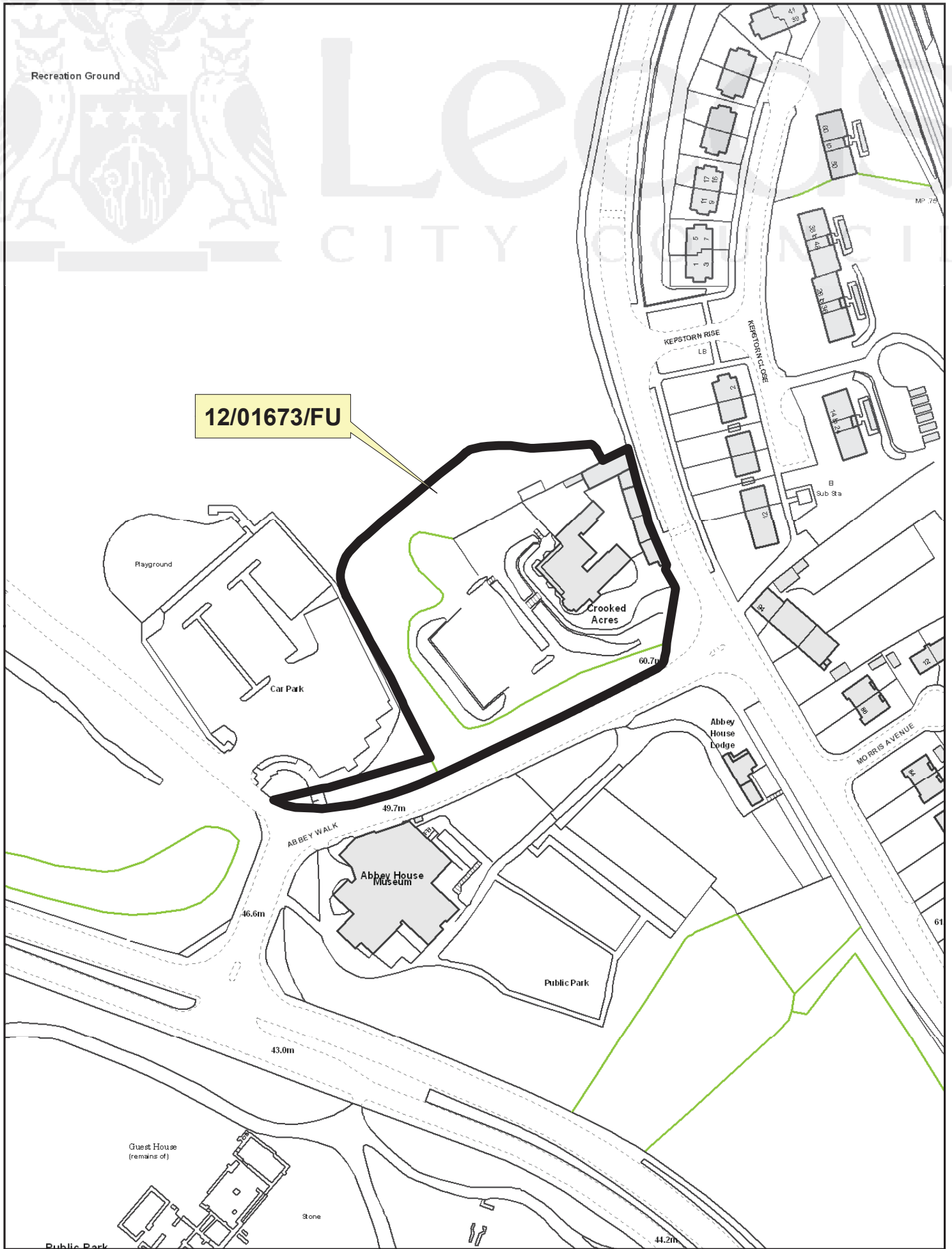
Background Papers:

Application and history files.
Certificate of Ownership

Recreation Ground

Leeds
CITY COUNCIL

12/01673/FU



WEST PLANS PANEL





Originator: Tim Poupard
Tel: 0113 2475647

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24 May 2012

SUBJECT: APPLICATION 12/00979/FU – ERECTION OF FOUR HOUSES WITH GARAGES AND NEW ACCESS, PARKING AND LANDSCAPING AT LAND TO REAR OF FORMER HARRY RAMSDEN'S RESTAURANT (NOW WETHERBY WHALER) OFF BRADFORD ROAD, WHITE CROSS, GUISELEY, LEEDS, LS20.

APPLICANT	DATE VALID	TARGET DATE
Stirling Investments Properties	1 March 2012	26 April 2012

Electoral Wards Affected:

Guiseley & Rawdon

YES Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:
GRANT PERMISSION subject to the following conditions

1. Time limit on full permissions (3 years).
2. In accordance with approved plans.
3. Details of levels.
4. All PD rights removed (*with the exception of satellite dishes*).
5. Details and samples of external walling, roofing and surfacing materials to be submitted.
6. Details of all proposed and existing boundary treatments to be approved and carried out (*including Public Right Of Way, retaining walls, access gates, bins store and existing palisade fence*).
7. Submission and implementation of landscape (*hard and soft*) scheme.
8. Landscape management plan.
9. Protection of existing trees/hedges/bushes.
10. Provision for replacement trees/hedges/shrubs.
11. Foundation details (*including garages and bin stores*) to ensure tree route protection.
12. Public Right Of Way improvements plan (*including surface treatment and signage*).
13. Biodiversity enhancement measures including protection of nesting birds.
14. Area used by vehicles laid out, surfaced and drained.

15. In accordance with the approved flood risk assessment.
 16. Foul drainage scheme / implementation.
 17. Surface water scheme / implementation (*Including discharges to the watercourse*).
 18. Specified construction hours (*8am to 6pm weekdays and Saturday mornings*) with no Sunday or bank holiday operations.
 19. Minimising of dust during construction.
 20. Further site investigation required (Phase 1 Desk Study).
 21. Details of unexpected contamination.
 22. Development to accord with an approved remediation statement.
23. **Reasons for approval:** The application is considered to comply with policies SP3, H4, GP5, BD5, N12, N13, N19, N24, LD1, A4, T2 and T24 of the UDP (Review 2006), and relevant supplementary guidance and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

- 1.1 This application proposal is being brought to Plans Panel West for determination at the request of Councillor Graham Latty (*Guiseley & Rawdon Ward*) because of its impact on the local area and given the planning history of the site.

2.0 PROPOSAL:

- 2.1 The application proposes four large detached houses of 5 and 6 bedrooms, one of the houses being two storeys with accommodation in the roof, whilst the remaining three houses propose three storeys plus accommodation in the roof. Each house would have external space for two parking spaces and a double garage.
- 2.2 The scheme is accessed by a private driveway, which will be gated at the entrance point. This driveway will be in turn accessed by the new spine road being built for the proposed *Aldi* Supermarket and *Wetherby Whaler* fish restaurant on the frontage of the larger site. A bin store will be located adjacent to the entrance to the private driveway and the properties will be serviced from this point. The existing Public Right of Way would be diverted around the site entrance and upgraded.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site lies to the rear of the former Harry Ramsden's restaurant (now *Wetherby Whaler*) adjacent to the Cairn Avenue residential development to the southeast. The land currently has an approval for a single residential property. Although this property was never built the permission was implemented in 2008 as foundations were constructed. The site is an overgrown area of open land with a mixture of trees and bushes which are protected by Tree Preservation Orders. A public right of way runs from Bradford Road to the southwest through the site and out to the fields beyond the site to the northeast. This path is currently an overgrown muddy track.
- 3.2 The site is bounded to the north by a ditch and a line of trees that run along the boundary with the Greenbelt fields beyond. The Public Right of Way continues to the rear of the trees. The southwest of the site is bounded by the former Harry Ramsden's restaurant (now *Wetherby Whaler*) with its new enlarged car park. There is another vacant restaurant to the west which fronts onto the A65 Bradford Road. The east of the site is the Cairn Avenue housing development with a mix of commercial and residential properties beyond. The west of the site is bounded by vacant land which is the site for the proposed Aldi store with the BP Petrol Station and residential properties running along Bradford Road beyond.

3.3 The site lies between 2.5 to 6.5 metres below Bradford Road with a fall of approximately 1 metre across the site running west to east and 5 metres running north to south. Mature trees exist to the boundary of the site on the north and south screening and defining the boundaries.

4.0 RELEVANT PLANNING HISTORY:

4.1 The site has been incorporated within the larger development site in the past and therefore has been subject to historic planning applications and permissions (such as a hotel scheme in 2000), however the relevant application(s) are: -

4.1.1 Planning permission was granted in October 2002, for the erection of one detached 5 bedroom house with detached garage and workshop on the site, under reference 28/262/01/FU. This scheme was implemented.

4.1.2 A planning application (11/04269/FU) which sought permission for the erection of six houses with garages and new access, parking and landscaping was withdrawn in December 2011.

4.2 The following planning history is also considered relevant:-

4.2.1 Planning permission was granted for a new Aldi supermarket on the adjacent site in February 2012, under reference 11/02169/FU. This scheme approved the access road which would serve this residential application.

4.2.2 The former Harry Ramsden's restaurant which is also adjacent to the application site was refurbished under application 12/00771/FU by Wetherby Whaler fish restaurant.

5.0 HISTORY OF NEGOTIATIONS:

5.1 The original concept for a residential scheme on this site formed part of the Aldi supermarket permission. At that time 10 dwellings were proposed. However this residential element was withdrawn from the supermarket submission. Discussions have been ongoing, with Officers seeking a reduction in the density proposed and alterations in the layout to ensure that the majority of existing trees are protected and to mitigate any loss of residential amenity. These discussions resulted in the scheme being reduced to six dwellings and an application being submitted last year. This scheme was also withdrawn, following advice from Officers and further discussions four houses are now proposed.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by means of four site notices located on Bradford Road, Otley Road, Cairn Avenue and Cairn Garth. These site notices gave reference to an application affecting a public right of way and they were posted from the 16 March 2012 and gave a publicity expiry period of 6 April 2012. Interested parties who made comments on the previous 2011 scheme were also written to directly.

6.2 LOCAL WARD COUNCILLOR:

Councillor Graham Latty (*Guiseley & Rawdon Ward*), whilst not objecting to the scheme, has requested that the application be presented to Plans Panel West because of its impact on the local area and given the planning history of the site.

6.3 LOCAL RESIDENTS:

Five letters of objection have been received from local residents and their objections can be summarised as follows: -

- Residents on Cairn Garth bought their houses knowing that only one two-storey house would be built on the site, not the proposed four, three storey houses.
- One resident on Cairn Garth is concerned that the scheme will adversely affect the large TPO protected oak tree in their rear garden. This is due to the proximity of one of the new dwellings and its garage and possible request for pruning by any new owners.
- Loss of existing trees on the site.
- The proposed three storey properties to the north part of the site will create a massive impact on the landscape and on adjacent countryside.
- Neighbours have requested that the houses be reduced in size and height.
- The use of red brick is considered inappropriate as the dwellings on Cairn Garth are built from stone.
- Neighbours have requested that the existing boundary palisade fence is retained for the security of existing residents.
- Too much development in the Guiseley area already and extra traffic.
- Loss of amenity to residents of Cairn Garth, through overlooking, loss of privacy and overshadowing.
- The scheme is considered to be too cramped and the dwellings are built too close to each other.
- Alterations to the scheme have been requested to move the dwellings further into the site away from the existing residents.

7.0 CONSULTATIONS RESPONSES:

Statutory:

7.1 YORKSHIRE WATER:

No objections, subject to the imposition of conditions to secure details of foul and surface water.

Non-statutory:

7.2 HIGHWAYS:

The proposals do not raise any specific road safety concerns subject to a car turning head being provided on the private access road and standard highway conditions.

7.3 CONTAMINATED LAND TEAM:

No objections, subject to conditions to deal with unexpected contamination.

7.4 MAINS DRAINAGE:

No objections, subject to conditions to secure details of surface water treatment.

7.5 ENVIRONMENTAL PROTECTION TEAM:

No objections, subject to conditions to restrict construction hours and minimising dust during building works.

7.6 WEST YORKSHIRE ECOLOGY.

No objections.

7.7 PUBLIC RIGHTS OF WAY:

No objections.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 8.2 The development plan includes the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006) (UDP) along with relevant supplementary planning guidance and documents. The Local Development Framework (LDF) will eventually replace the UDP but at the moment this is still undergoing production with the Core Strategy being at the draft stage.
- 8.3 The Regional Spatial Strategy (RSS) was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale of development including employment uses. The RSS for the Region was revoked by the Secretary of State on 6 July 2010. However, following a High Court Judgment on 10 November 2010, the RSS was re-established as part of the development plan until such time as the Localism Bill is enacted. At present, the government's intention to abolish the RSS can be a material consideration in the determination of planning applications.
- 8.4 The Publication Draft of the Core Strategy was issued for public consultation on 28 February 2012 with the consultation period closing on 12 April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

REGIONAL SPATIAL STRATEGY (RSS) (ADOPTED MAY 2008):

- 8.5 It is not considered that this application raises any issues of regional significance.

UNITARY DEVELOPMENT PLAN REVIEW (ADOPTED JULY 2006):

- 8.6 The application relates to a residential curtilage Brownfield site in an urban area. Therefore, the most relevant Policies in the adopted Leeds Unitary Development Plan are listed below: -

- Policy SP3: New development to be concentrated largely with or the main urban areas.
- Policy H4: Residential development on non-allocated sites.
- Policy GP5: General planning considerations.
- Policy BD5: New buildings design consideration given to own amenity and surroundings.
- Policy N12: All development proposals should respect fundamental priorities for urban design.
- Policy N13: Design of new buildings should be of high quality and have regard to character and appearance of surroundings.
- Policy N19: All new buildings and extensions within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.
- Policy N24: Development abutting the Green Belt or other open land should

- achieve assimilation into the landscape.
- Policy N25: Positive boundary treatments.
- Policy LD1: Landscape schemes.
- Policy A4: Development and refurbishment proposals designed to ensure safe and secure environment.
- Policy T2: Development must be capable of being served by highway network and not adding to or creating problems of safety.
- Policy T24: Parking guidelines for new developments.

SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS:

- 8.7 Supplementary Planning Guidance and/or Documents provide a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.
- SPG13 Neighbourhoods for Living (adopted 2003);
 - SPG25: Greening the Built Edge (Adopted 2004); and
 - Street design guide.

GOVERNMENT GUIDANCE:

- 8.8 The National Planning Policy Framework was published on 27 March 2012. It sets out the Government's planning policies for England and how these are expected to be applied. This is a key part of the government's reforms to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. This has resulted in a presumption in favour of sustainable development.

9.0 MAIN ISSUES:

- 9.1 It is considered that the main issues in this case are:-
- The principle of residential development on the site;
 - Character and appearance of the area;
 - Residential amenity implications;
 - Alterations to a public right of way;
 - Protection of existing tree and landscaping features;
 - Highway access, servicing and parking issues; and
 - Other material planning considerations.

10.0 APPRAISAL:

The principle of residential development on the site:

- 10.1 The application site lies within the urban area of Guiseley and is not subject to any specific proposals in the UDP.
- 10.2 The surrounding area is predominantly residential. The proposed site is previously developed land, and forms a natural infill site that is compatible with the location and setting of that area. The proposal is also considered to be in-line with Policy H4 of the UDP Review, as the site utilises a Brownfield site and is within a recognised urban settlement. In land-use terms the proposal is considered to be acceptable.

Character and appearance of the area:

- 10.3 The Guiseley Conservation Area (CA) was reviewed and enlarged in January 2012. This resulted in the CA being enlarged from the centre of Guiseley to the White Cross roundabout as an import intersection to the town. The new CA also encompassed the former Harry Ramsden's building as an important part of the town's heritage. It is considered that the application proposals would not adversely affect the character and appearance of the adjacent Guiseley Conservation Area due to the nature of the low density residential proposed, the physical position and the physical topography of the site, being to the rear and being at a lower level than the main commercial Bradford Road frontage.
- 10.4 The buildings in the immediate vicinity of the site are predominantly residential of 2 to 3 storeys in a traditional scale with varying scales of commercial beyond. The general reference to the scale of the new residential proposal will effectively be 2 to 3 storeys with rooms in the roof similar to the nearest properties in overall mass and density on Cairn Avenue and taking into account the existing site levels.
- 10.5 All the existing trees, hedgerow and vegetation on the north boundary of the site are to be retained. Whilst plots 2, 3 and 4 are large in scale, the significant mature landscaping will ensure that there is sufficient screening to the Greenbelt boundary.

Residential amenity implications:

- 10.6 There are three existing residential properties primarily affected by this proposal. These being 5 and 7 Cairn Garth and 15 Cairn Avenue. The rear gardens of these existing properties adjoin the site where one dwelling (*identified as plot 1*) is proposed. Plot 1 is a two storey plus rooms in the roof dwelling measuring 9.5 metres to the ridge. A site inspection by Officers was undertaken with the existing residents on Cairn Garth and Cairn Avenue to understand neighbour concerns in detail. In addition a shadowing exercise was completed to establish any potential over dominance or overshadowing implications.
- 10.7 Nos.5 & 7 have a rear main aspect relationship with plot 1. No.7 has an 11 metre rear garden, whilst No. 5 has a 10 metre rear garden. Both Nos.5 & 7 are three storey properties with rooms in the roof. Plot 1 is sited 10 metres from the boundary to No.7. This gives a total separation distance between aspects of 21 metres (*minimal requirement is 21 metres*). Discussions were undertaken with the applicant to amend the location of plot 1. However these amendments would have only resulted in minor siting alterations and could not be undertaken due to other highway and tree constraints. The rear elevation of plot 1 has two bedroom and one bathroom windows at first floor level. These would correspond to the ground floor kitchen and dining room windows of No.7. There is a drop in land levels, with plot 1 being one metre below the back garden level of No.7. It is considered there will be no significant loss of residential amenity to the rooms or garden area of No.7 through overlooking, given the layout of the garden areas and as sufficient distances are proposed. It is also not considered that there will be any loss of residential amenity to No.5 & 7 through over dominance or overshadowing given the distances involved and heights of dwellings.
- 10.8 No.15 has a side relationship with plot 1 and has a 12 metre back garden. Plot 1 is sited 12 metres from the boundary of No.15. This gives a total separation distance between aspects of 24 metres (*minimal requirement is 12 metres*). There is one side window proposed to plot 1 and this would be a first floor bathroom window, which would be obscure-glazed. It is considered there will be no loss of residential amenity through overlooking as sufficient distances are proposed. It is not

considered that there will be any loss of residential amenity to No.15 through over dominance or overshadowing given the distances involved and that plot 1 would be at least 3.5 metres lower than No.15.

- 10.9 Overall, it is considered that this scheme will cause no loss of residential amenity to surrounding properties through overlooking or overshadowing, as although the dwellings are three storeys with room in the roof, the garden depth and separation distances proposed are within normally accepted standards.

Alterations to a public right of way:

- 10.10 Public footpath No.36 Aireborough crosses the site. It runs down from Bradford Road through the site into the countryside beyond. The footpath on the upper site will be upgraded as secured through the Aldi permission. The part of the footpath that runs across the application site is in a poor state of repair.
- 10.11 The developer is proposing to divert this footpath around the perimeter of the proposed houses. A Diversion Order under the TCPA would be required to enable this and no development could start on site until an Order is confirmed. The application proposals also include upgrading the footpath, with new surfacing, appropriate boundary treatments and signage.

Protection of existing tree and landscaping features:

- 10.12 There are a large number of trees on the site with 33 individual trees, 11 groups of trees and one hedge. The scheme has been designed in conjunction with the Leeds "Guideline Distances from Development to Trees" document together with other national guidance for the design of residential developments.
- 10.13 Whilst the proposals remove some internal trees, the scheme retains and ensures the long term future of the two most important protected trees on the site, an Oak (T40) and an Ash (T11).
- 10.14 The side of the house Plot 1 faces TPO tree T40 (Oak) which allows the house to be built 12m from the tree. The rear of the house is 21 metres from No.7 Cairn Avenue over the east boundary. The proposed garage is sited 8 metres from the tree. The rear of plots 2 and 3 are sited 18 metres away from TPO tree T11 (Ash). The scheme retains the existing trees and hedgerow on the boundary to the greenbelt. The scheme also includes a landscape scheme and new tree planting.
- 10.15 There will be a loss of vegetation on the site that may be suitable for nesting birds and foraging bats. Conditions are suggested to control site clearance and to enhance biodiversity.

Highway access, servicing and parking issues:

- 10.16 Access to the application site is via a new adopted spine road that that will serve the two commercial operations to the front of the larger site. This was approved within planning permission 11/02169/FU. The new spine road is served by improved access arrangements at Bradford Road. The spine road also has pedestrian footpaths and lighting.
- 10.17 A turning head has been provided at the site entrance so that a refuse vehicle can service the housing scheme. Bin storage would also be at the site entrance. The scheme proposes a gated private drive arrangement. A double garage has been

provided for each dwelling, which will also have a two car drive. The proposed garages can store cycles/motorcycles.

- 10.18 Ideally a car turning head at the end of the private road should be provided to improve vehicle manoeuvring safety on the site. However, the garage at the end of the private drive has space to execute a three point turn even with a car occupying the drive. Overall the proposals do not raise any specific road safety concerns.

Other material planning considerations:

- 10.19 The flood risk assessment approved within the Aldi permission outlines agreed proposals for the drainage of the entire larger site. There is an outfall to the Mire Beck watercourse and it is suggested that general improvements and /or refurbishment of the existing outfall would be required to ensure that it remains fit for purpose. Both Yorkshire Water and the Council's Land Drainage section have raised no objections to the scheme, subject to relevant conditions.
- 10.20 A Phase II detailed intrusive site investigation report was submitted with the application, which was agreed as part of the remediation for the larger redevelopment site. The Council's Land Contamination Section has raised no objections to the report, subject to conditions.

11.0 CONCLUSION:

- 11.1 It is considered that the design of the scheme is such that there would be no loss of amenity to surrounding residential properties through overlooking or overshadowing. It is considered that this proposal meets the Councils adopted standards with regard to layout, siting and means of access.
- 11.2 The proposal therefore complies with P policies SP3, H4, GP5, BD5, N12, N13, N19, N24, LD1, A4, T2 and T24 of the UDP (Review 2006). In light of the above the application is considered acceptable and is recommended accordingly.

Background Papers:

Application and history files.

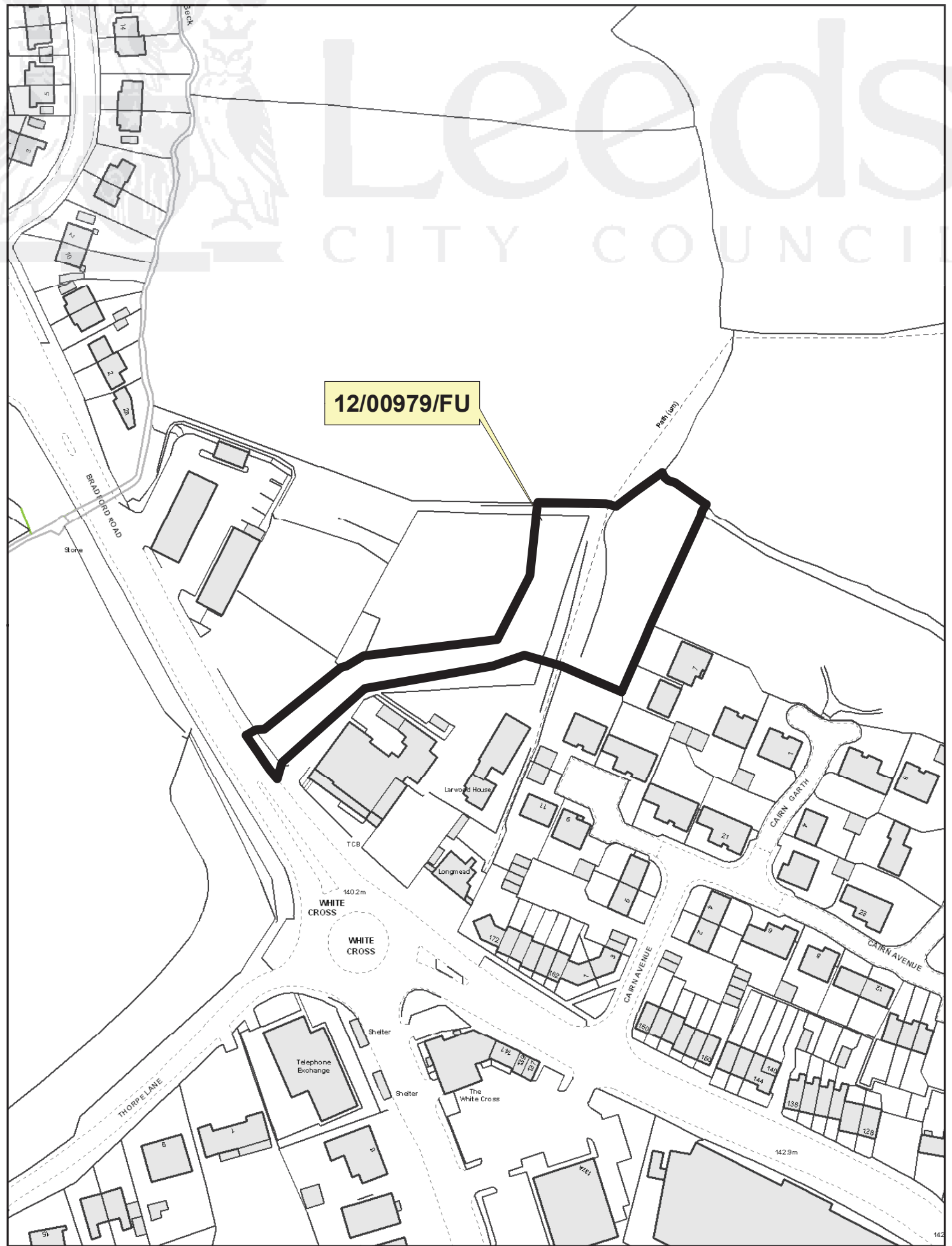
Certificate of Ownership.

Planning permission 28/262/01/FU.

Planning application 11/04269/FU.

Planning permission 11/02169/FU.

Planning permission 12/00771/FU.



12/00979/FU

WEST PLANS PANEL



Originator: Terry Moran

Tel: 0113 39 52110

Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24 May 2012

Subject: APPLICATION NUMBER 12/00362/FU – CHANGE OF USE OF PRIVATE CAR PARK TO PUBLIC PAY AND DISPLAY CAR PARK AT 83A OTLEY ROAD, HEADINGLEY, LEEDS. LS6 3PS

APPLICANT

Urban Apartments Ltd

DATE VALID

27th January, 2012

TARGET DATE

23rd March, 2012

Electoral Wards Affected:

Headingley

Yes

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Grant permission subject to the following conditions.

1. Standard 3 year time limit.
2. Details of approved plans
3. Three of the proposed car parking spaces shall remain available at all times for the use of permit holders of the adjacent businesses at 83 Otley Road.
4. Two parking spaces shall be segregated for the exclusive use of the adjacent flats.
5. Vehicles shall be restricted to a maximum 4 hour stay.
6. Within one month of the date of this approval, the developer shall submit a scheme for signage indicating that the maximum stay is 4 hours per day. The scheme shall indicate the means of implementation which shall thereafter be retained and maintained and retained for the lifetime of the development.

1.0 INTRODUCTION:

- 1.1 This application is brought before Members following a request by former Ward Councillor Jamie Matthews and previous Panel discussions on the grounds that the proposal may result in an unacceptable impact on levels of off-street parking in the Headingley Town Centre.

2.0 PROPOSAL:

- 2.1 The proposal seeks to change the use of an existing 12 space private car park to a 10 space Pay and Display Car Park for general use with the other 2 spaces for two apartments remaining unchanged.
- 2.2 The use has already been implemented, with approval being sought retrospectively.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is a car park next to a commercial parade on the A660 Otley Road at the junction with St Anne's Road.
- 3.2 The site is enclosed by a 1.8m stone wall on the Otley Road and St Anne's Road frontages. Vehicular access to the site is from St Anne's Road.
- 3.3 The site is located within Headingley Town Centre, and is within walking distance of the Arndale Centre.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history on the site is considered relevant:-
- 06/03678/FU - Change of use of derelict shop and outbuildings (listed building) involving extension and alterations to form two retail units, an (A3) unit and two flats with car parking and landscaping. Approved, 07/02/2007 subject to a condition that a Management Plan be submitted and approved to control the allocation and use of the car park, specifically to ensure that parking spaces be allocated to the adjacent commercial units on the Otley Road frontage and also the residential flats formed as part of that development.
- 4.2 Subsequent to this approval, Enforcement investigations have taken place because the car park was opened on a "Pay and Display" basis and has been operating in this manner for over two years.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has recently attended a meeting with the Case Officer, Highways Officers and the Transport Strategy Team. At this meeting, the applicant confirmed that they already provided three parking permits, one for each of the retail premises, with the remaining spaces being available to the general public on a pay and display basis.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 This application was advertised by Site Notice on 10/02/2012. No representations have been received from local residents. Former Ward Councillor Jamie Matthews made a verbal request prior to the Elections that this application be brought to Panel in light of previous Panel discussions, the level of local interest raised by the original scheme, and its potential impact on the availability of off-street parking in the locality.

7.0 CONSULTATION RESPONSES:

- 7.1 NGT/Public Transport - No objection to the current scheme.

7.2 Highways - Initially objected to the scheme but now satisfied that the scheme can be approved subject to conditions on the provision of car parking permits for each of the retail units and restrictions on the maximum stay, on the basis that the scheme will therefore not result in a long stay or commuter car park.

8.0 PLANNING POLICIES:

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

Development Plan:

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

- GP5 refers to detailed planning considerations and states that development proposals should seek to avoid loss of amenity.
- T2 seeks to avoid any harm or detriment to all users of the highway.
- T24 sets out specific criteria for parking provision.

Relevant supplementary Planning Guidance:

8.3 Headingley Parking Strategy 2010 – This document sets out a range of ways in which to improve and resolve current issues relating to parking in the Headingley area.

National planning policy:

8.4 The National Planning Policy Framework (NPPF) sets out a wide range of criteria against which development proposals should be assessed. Its primary aim is to promote sustainability.

8.5 Paragraphs 39 to 41 of this document state that Local Planning Authorities should take into account the accessibility of development, the type and mix of development, the availability of public transport, local car ownership levels and the overall need to reduce the use of high-emission vehicles when assessing car parking standards.

9.0 MAIN ISSUES:

9.1 Highway safety

9.2 Satisfactory levels of off-street parking:

10.0 APPRAISAL:

Highway safety:

10.1 Planning permission was granted in 2007 for the change of use of the adjacent building to form a mixed use development comprising flats, a restaurant and retail units. This permission has been implemented. The car parking area was designated to be for users and visitors of the retail units. Conditions 21 and 22 attached to this permission state that the car park to the Northern side of the development should remain ancillary to that development and that at least two of the parking spaces should be for the sole use of the residential flats. This was the subject of a legal agreement and was intended to ensure that no parking took place on the busy A660

Otley Road and to also ensure that the proposed route of the Leeds Supertram/NGT was not affected.

- 10.2 The Highways Authority does not object, subject to a condition that three of the spaces be conditioned as being for permit holders of the adjacent businesses only, that the car park be subject to a maximum four hour stay and also that the existing 2 spaces for the residential flats be retained and protected. This is considered acceptable on balance and therefore not likely to increase or exacerbate demand for parking by the adjacent businesses and can be justified on the grounds that it will promote short stay parking in the area.
- 10.3 In terms of the protected NGT route, the area in question is still the subject of a potential Compulsory Purchase Order if funding for the NGT receives the approval of Central Government. This means that there will be no impact on the availability of the land for use by the proposed NGT, irrespective of the use of the car park, whether it be private or public.

Satisfactory levels of off-street parking:

- 10.4 The site is within the Headingley Town Centre, where it is acknowledged that parking can be a significant issue, particularly in an evening given the recent growth in the number of restaurants and other leisure uses. Parking is therefore often at a premium in this locality, with high demand from the adjacent restaurants on the St Anne's parade in particular.
- 10.5 A 2010 study entitled the 'Headingley Parking Strategy' (HPS) reveals that there are no council run car parks in the Headingley Centre but that there are two free car parking areas at Headingley Taps (74 spaces) and part of the Arndale Centre (57 short stay spaces). These areas are heavily utilised.
- 10.6 The HPS study also reveals that there are two chargeable car parks in the area. One of these is at the Arc. The other forms the subject of this application.
- 10.7 The car park in question was originally approved as being only for use by the adjacent businesses. The applicant has, however, indicated that demand for allocated spaces was very poor making it unviable commercially, as few of the adjacent businesses chose to pay for permits. This has led to the car park being adapted to a Pay-and-Display car park with a separate bollarded area providing two spaces for the adjacent flats.
- 10.8 The applicant has indicated to Officers that the busiest periods for the car park are in the evening due to the demand for parking by visitors to the adjacent restaurants along St Anne's Road. The tariffs are currently displayed as follows:
- Up to 1 hour £1.20
 - Up to 3 hours - £3.00
 - Up to 5 hours - £4.00
 - Up to 10 hours - £6.50
- 10.9 The applicant has agreed that the above tariffs will change, with the maximum stay being 4 hours. This is to prevent any long-stay parking taking place, which is considered to be a problem in the Headingley area.
- 10.10 The use as a general Pay-and-Display car park is therefore considered suitable in part to ameliorate the on street parking which takes places around the town centre. Officers therefore consider that the use of the site as a public car park is acceptable,

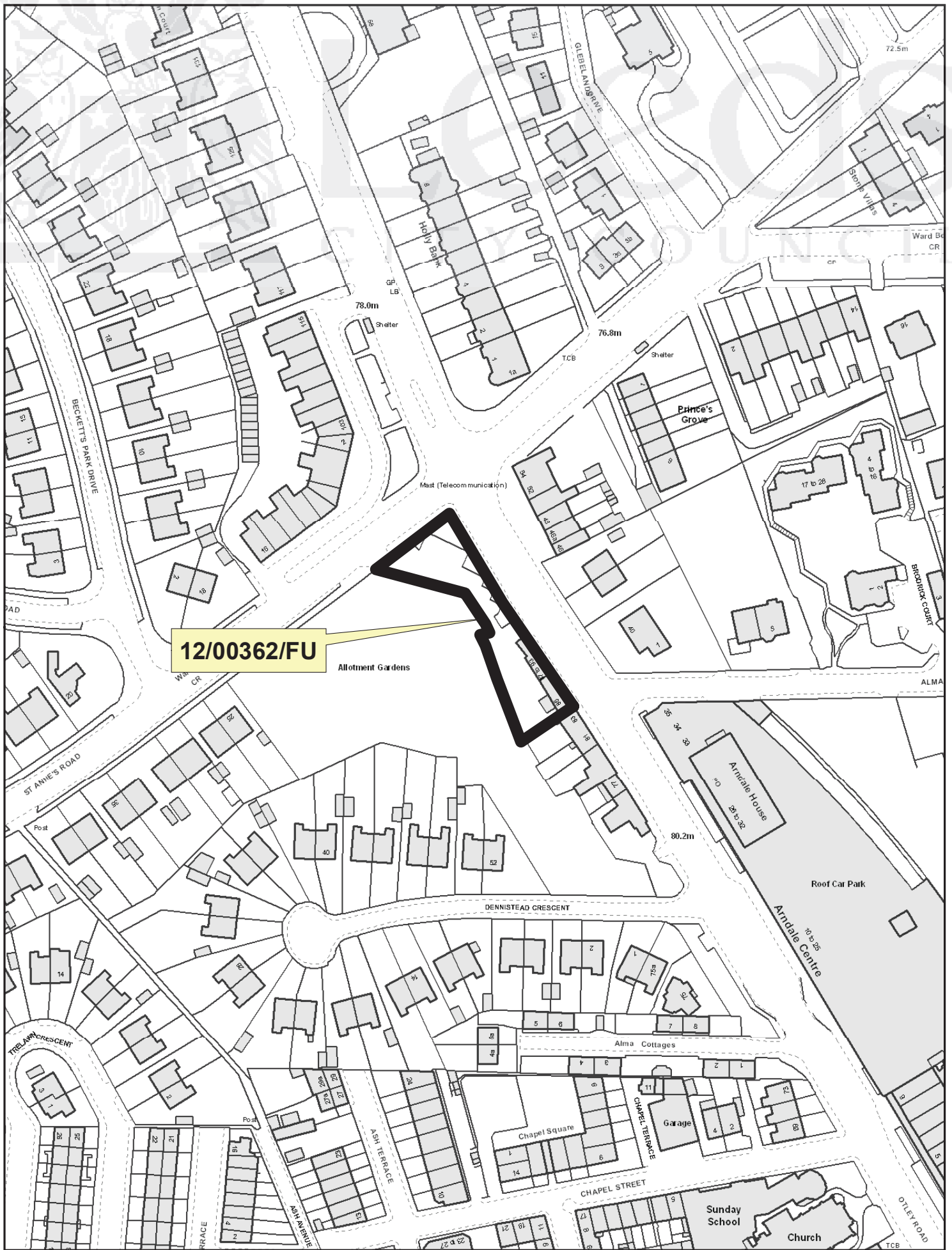
provided that three of the bays remain available for the exclusive use of the adjacent businesses and provided also that the existing two residential spaces are retained for the adjacent flats

11.0 CONCLUSION:

11.1 Officers consider that the use of this area as a Pay and Display car park is acceptable. Approval is therefore recommended subject to the conditions outlined at the head of this report.

Background Papers:

Application and history files.



12/00362/FU

Allotment Gardens

WEST PLANS PANEL





Originator: Mathias Franklin

Tel: 0113 24 77019

Position Statement report of the Chief Planning Officer

PLANS PANEL WEST

Date: 24th MAY 2012

Subject: APPLICATION NUMBER 11/03324/FU: Residential development of 143 houses and 12 flats; restoration of The Lodge to form 1 house; alterations and extensions to hospital building to form residential care home comprising 20 apartments and 35 bedspaces (C2 use); alterations and extensions to former Ida Wing building to form 56 'extra care' housing units (C3 use), Former Cookridge Hospital And Grounds, Hospital Lane, Cookridge - Section 106 Package

APPLICANT

Chartford Arthington Ltd

DATE VALID

19.09.2011

TARGET DATE

Planning Performance Agreement

Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted (referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the content of this Position Statement and particularly the Section 106 package now being offered and to comment as appropriate at this stage

1.0 INTRODUCTION:

1.1 This application is brought to Panel due to the history associated with the site and also because of the applicant's request that the Local Planning Authority consider a revised Section 106 package. This report focuses particularly upon the Section 106 package and the differences with the scheme which already has permission on this site.

- 1.2 Members may recall that this site already has Reserved Matters approval for a similar number of houses and apartments submitted by Wimpey Homes in 2007-8. The site was bought by Chartford Homes Ltd from the NHS after Wimpey pulled out of the sale of the site. Chartford are currently on site building the first phase of 23 houses which was approved by Plans Panel in 2011. The current application is for the remainder of the site and consists of mainly new build houses and the conversion and reuse of three listed buildings on the site. The S106 requirements for the previous 23 dwellings is also brought forward into the current application.
- 1.3 Members may recall they have discussed the layout and design of the new build houses of the Chartford scheme and have also seen the proposal for the conversion of the listed buildings on site and were supportive of the redevelopment of the site for housing. Officers are also broadly supportive of the new build housing element of the application and the principle of the reuse and conversion of the listed buildings. Accordingly this position statement report does not specifically seek Members comments upon the general layout and design of the new build element of the scheme. This report is focused upon the issue around the Section 106 requirements of the application and the recent offer by the developer that the Council consider their Section 106 package favourably in the light of the wider benefits that the scheme delivers. There is some urgency to consider the principles of what now is on offer to give comfort to the developer so that the scheme can be progressed positively.
- 1.4 It is the intention of officers to bring this application back to the June Plans Panel for final determination subject to the satisfactory conclusion of the S106 negotiations.

2.0 PROPOSAL:

- 2.1 This proposal comprises 143 new build dwellings, the restoration of the listed lodge building into 1 dwellinghouse, the conversion and alteration of the Main Hospital building (also listed) into a C2 Use Class nursing home and also the conversion and extension of the listed Ida building into 56 extra care apartments.
- 2.2 The design and appearance of this scheme is traditional two storey housing with brick walls and natural slate roofs. There is a mixture of detached, semi detached and terraced houses and one 3 storey apartment block.
- 2.3 The conversion of the listed Main Hospital building into 20 apartments and a 35 bedspaces nursing home all within the C2 Use Class is very similar to the previously approved layout and conversion
- 2.4 The main change between the current application and the previous Wimpey scheme is the omission of the 4 storey flat block behind the Ida building and its replacement by an attached extension to the Ida building. The proposed 56 extra care apartments which result from this change will take access from Hospital Lane via a private drive to the existing car park in front of the Arthington building. All the new build dwellings and nursing home and apartments in the Main Hospital building will be accessed from Silk Mill Way. There will be no through access from Hospital Lane to Silk Mill Way.

3.0 SITE AND SURROUNDINGS:

- 3.1 The former Cookridge Hospital site is situated some 6.5km to the north-west of Leeds City Centre. The surrounding area is mainly residential. Some housing dates from the 1930s but the majority is postwar, with some significant recent developments. Local shops, community facilities, etc are interspersed throughout the area. The application site is located adjacent to Silk Mill Way.
- 3.2 The developer is currently building houses in the south west corner of the site adjacent to Silk Mill Way as part of the phase one application.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 The following planning history on the site is considered relevant:-

10/02683/FU: 1 two bedroom, 1 three bedroom and 1 four bedroom with integral garage, terrace houses (plots 21-24). Approved 2010

10/02682/FU: Laying out of access road and sewers to residential development site. Approved 2010.

10/04346/FU: Laying out of access road and erection of 19 houses. Approved with a S106 in 2011.

07/05064/RM (Wimpey Scheme): Reserved Matters pursuant to Outline Consent (Ref. 26/140/00/OT and renewed in 2004) for residential development and associated works – Decision Notice issued March 2009 on completion of the Section 106 agreement.

07/05001/FU: Change of use, including part demolition and conversion of hospital buildings and lodge to 77 dwellings; Decision Notice issued March 2009 on completion of the Section 106 agreement.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the current scheme by Chartford Homes the developer undertook community consultation. Members will also recall they considered and discussed the application for 19 houses which are currently being built.
- 5.2 The main changes between the Chartford scheme and the previous Wimpey scheme is that Chartford are building two storey houses as opposed to the three storey town houses of the Wimpey scheme. Also the current scheme differs to Wimpey's as Chartford's proposal includes 56 extra care apartments in a four storey extension linked to the Ida building. Chartford also propose to convert and alter the Main Hospital building into a nursing home with 35 bedspaces and 20 apartments.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised via a site notice and an advert in the local newspaper. 1 letter of objection and 2 letters making other representations have been received. The following issues are raised:

- Increase in traffic volume in the area
- One access point is insufficient for a development of this scale
- Retention of emergency access from Hospital Lane is necessary
- Silk Mill Way needs resurfacing
- Concern over ice in winter months on new estate roads restricting access
- Improvement to bus services required

7.0 PLANNING POLICIES:

7.1 The Development Plan for Leeds currently comprises the Regional Spatial Strategy for Yorkshire and The Humber (published in May 2008), and the Leeds Unitary Development Plan Review (July 2006), policies as saved by direction of the Secretary of State, dated September 2007.

7.2 Within the adopted UDP Review (Sept 2006) are strategic goals and aims which underpin the overall strategy. Of these attention is drawn to strategic goals (SG), aims (SA) and principles (SP) as follows;

- Policy SG2: To maintain and enhance the character of the District of Leeds;
- Policy SG4: To ensure that development is consistent with the principles of sustain able development;
- Policy SA1: To secure the highest possible quality of the environment throughout the District, by protecting existing good environment, conserving and enhancing where there is scope for improvement, including initiating the renewal and restoration of areas of poor environment;
- Policy SA7: To promote the physical and economic regeneration of urban land and buildings within the urban areas, taking account of the needs and aspirations of local communities; and
- Policy SP1: Greenspace is protected and enhanced as an important land use in its own right in conferring amenity, quality of life and sense of identity to established communities and proposed extensions.

7.3 The specific development Leeds Unitary Development Plan polices are: -

- Policy GP5: Development control considerations;
- Policy GP7: Where development would not otherwise be acceptable and a condition would not be effective, a planning obligation will be necessary before planning permission is granted. This obligation should cover those matters which would otherwise result in permission being withheld and if possible should enhance the overall quality of the development. Its requirements should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects;
- Policy GP9: Promotes community involvement during the pre-application stages.

- Policy H1: Provision for completion of the annual average housing requirement identified in the Regional Spatial Strategy.
- Policy H3: Delivery of housing land release.
- Policy H4: Residential development on non-allocated sites.
- Policy H11: Refers to the provisions of affordable housing within new housing proposals which meet the requirements of PPS3;
- Policy H12: The council will negotiate the proportion and type of affordable housing required for individual sites in the context of the extent, nature and need of affordable housing in the locality and the characteristics of the site;
- Policy BD5: New buildings design consideration given to own amenity and surroundings;
- N1: Public open space provision.
- Policy N2: Support given to establishment of a hierarchy of greenspaces;
- Policy N4: Refers to provision of greenspace to ensure accessibility for residents of proposed development;
- Policy N8: Urban Green Corridor
- 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 N14 to N22: Listed buildings and conservation areas.
- Policy N23: Incidental open space around new built development.
- Policy N38B and N39A: set out the requirement for a Flood Risk Assessment.
- Policy LD1: Criteria for landscape design.
- Policy T1: Refers to transport investment being directed towards, improving the quality and provision for alternatives to the car by improving public transport. The policy lists 5 criteria for improving public transport and promoting alternative forms of sustainable transport;
- Policy T2: Refers to development capable of being served by highway network and not adding to or creating problems of safety;
- 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 T5: Seeks to ensure the safe and secure access and provision for pedestrians and cyclists within highway and new development schemes;
- Policy T6: Refers to satisfactory access and provision for people with mobility problems within highway and paving schemes and within new development; and
- Policy T24: Refers to parking guidelines for new developments.

7.4 Supplementary Planning Guidance

- SPG3: Affordable Housing;
- SPG4: Greenspace Relating to New Housing Development;
- SPG11: Section 106 Contributions for School Provision;
- SPG13: Neighbourhoods for Living;
- SPD Public transport improvements and developer contributions;
- Street design guide SPD, and
- Travel plans SPD (Draft).

7.5 Government Guidance

The National Planning Policy Framework was issued at the end of March 2012 and is now a material planning consideration. The NPPF sets out up to date national policy guidance which is focused on helping achieve sustainable development. There is a presumption in favour of sustainable development. The basis for decision making remains that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 173 refers to viability considerations and paragraph 204 refers to the CIL tests which all Planning Obligations should be assessed against.

Emerging Core Strategy

- 7.6 The Publication Draft of the Core Strategy was issued for public consultation on 28th February 2012 with the consultation period closing on 12th April 2012. Following consideration of any representations received, the Council intends to submit the draft Core Strategy for examination. The Core Strategy sets out strategic level policies and vision to guide the delivery of development investment decisions and the overall future of the district. As the Core Strategy is in its pre submission stages only limited weight can be afforded to any relevant policies at this point in time.

8.0 MAIN ISSUE:

- 8.1 The main issue for consideration in this report is the Section 106 package being offered.

9.0 APPRAISAL:

Section 106 package

- 9.1 The previous approved application, the current application and the applicant's proposed Section 106 package are listed in the table below. The aim of this position statement is to update Members on the position around the S106 package. In response to the economic downturn the Government published a paper 'Greater Flexibility for Planning Permissions' back in 2011. This guidance document was intended to help Councils and developers to promote progress on projects which had stalled or become unviable. The document advised Councils to look at revisiting S106 packages where there is benefit in bring forward stalled developments. The NPPF issued at the end of March 2012 continues the theme of planning helping to deliver sustainable development and it is against that backdrop that the present proposal is being considered.

Type of contribution	Previous approved S106 (07/05064/RM & 07/05001/FU)	Current application policy required S106	Developers offered S106
Affordable Housing	25% (62 dwellings provided) £4,298,000.00 (developer supplied figure)	15% (32 dwellings would be required) £3,414,767.00 developer supplied figure)	56 extra care apartments (all for Social rented tenure) £7,304,000.00 (developer supplied figure)
Education	Not required	£681,225.00	£400,000.00
Public Transport Infrastructure SPD	£30,694.00. The SPD did not exist when the Outline permission was granted	£143,552.00	Not offered
Metro Cards	Not required	£70,686.00	Not offered
Bus Stop Improvements	Not required	£10,000.00	Not offered
Cycle way links	Not requested	£76,000.00	Not offered
Off site greenspace	£168,917.00	£175,191.20	Not offered
Dropped Curbs	Not requested	£7,000	Not offered
Travel Plan Monitoring fee	£2,770.00	£2,500.00	Not offered
TOTAL	£4,500,301.00	£4,580,921.00	£7,704,000.00

- 9.3 In addition to the above financial contributions the previous S106 agreement also included obligations to restrict new build occupation to completion of conversion works to all listed buildings on site. A scheme for the closure of Hospital Lane was to be agreed as was a S278 Agreement for footpaths along Silk Mill Way and local training and employment initiatives. It is understood the developer has no issues with these obligations remaining as per the previous Agreement.
- 9.4 Adding up the previous signed S106 for the Reserved Matters application (Wimpey scheme) and the Full application for the conversion of the listed buildings to apartments (Magna holdings applicant) the total figure is circa £205K contributions plus a requirement to provide 25% affordable housing with a 50/50 split between sub market and social rented properties. In total 62 units were designated for affordable housing under the Wimpey/Magna Holdings scheme. The main change from the previous to the current S106 package is the Education contribution at £681K, the increase in the Public Transport Infrastructure of circa £115K and the Metrocards and cycle way improvements at a combined cost of circa £147K . The current application

requires a larger S106 package than the previous Wimpey scheme as the Council has adopted several SPDs since the original approval was given. The original Outline approval was granted in 2000 and at the time of the Reserved Matters being submitted in 2007 Children's Services were consulted and advised at that time they did not require a contribution towards education provision.

- 9.5 The current application generates a total S106 contribution of circa £1.179m plus a requirement to contribute 15% affordable housing which is approximately 32 dwelling with a 50/50 split between submarket and social rented with a range of properties types and sizes reflecting the overall development. The developer proposes as part of this application 56 apartments as extra care for social rented provision which exceeds the normal 15% requirements numerically but is not a pro-rata split of properties types or sizes that reflects the range of houses and flats. Officers however, do welcome the extra care apartments in lieu of the affordable housing provision for the new build houses as it meets a wider Council demand for the provision of elderly and extra care facilities at affordable rents. The additional proposed 20 apartments and 35 bedspace development within the Main Hospital building are under the C2 Use Class and are so exempt from affordable housing contributions.
- 9.6 The developer has offered a contribution of £400,000.00 towards the Section 106 obligations listed above in addition to the affordable housing offer. The developer has stated the Council can allocate these funds towards whatever obligations it prefers. The developer has supplied information that the affordable housing contribution provided by the building of the Abbeyfield extra care facility amounts to a figure of approximately £7,304,000 (based on the market costs of the units minus the social rented value paid for them). For clarity Abbeyfield will be the operators of the building once Chartford have built the facility. The Council will place its residents within this building and the residents will be charged at Social Rented levels for the accommodation. The number of extra care units is based upon an assessment of economic feasibility relating to development costs, long term staffing provision and the maintenance of the communal facilities. It is very much the industry norm for this size of facility to be built and a smaller extra care scheme would not be economically viable. The developer is therefore offering an enhanced level of affordable housing in terms of numbers and value but conversely is not able to offer the full contribution towards the other Section 106 "asks" which the city Council would normally apply for a scheme of this type and size. Although at this stage no detailed financial viability appraisal has been prepared by the developer and therefore the figures supplied have not been verified Officers are bringing this package to Panel to gain Members comments at this early stage. Officers are also seeking the views of Ward members about the package and about ward priorities and will update Panel at the meeting on the outcome of those discussions.
- 9.7 The difference between the developers S106 offer and the policy compliant position is £779,000 if affordable housing is excluded. This is a substantial shortfall. If for example all the money offered by the developer (£400,000) were allocated just to the Education contribution of £681,225.00 Children's Services have confirmed this would leave a funding gap in their ability to provide school places in the future. The shortfall in the education contribution is particular challenging given that this is such a high priority for the Council.

- 9.8 At this stage officers are still assessing what the impact would be of S106 shortfalls in various areas so that the overall package can be properly evaluated and a balanced planning judgement made in the round about the package being offered. This will require further work looking at the implications for public and sustainable transport, education and off site greenspace. However it is also clear that the package on offer has attractions in bringing forward a substantial extra care scheme which would be affordable and attractive given the needs in this sector of the population which is likely to increase with time. The completion of this scheme; the reuse, refurbishment and improvement of the listed buildings on the site; the creation of areas of on site publicly accessible green space and the delivery of market housing on a former brownfield site in the area are all key aims.
- 9.9 **Members are asked to comment upon the package on offer at this stage recognising that further work will be required before the application can be brought forward for determination.**

Background Papers:
Site history files

