



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 4th October, 2012
at 1.30 pm

MEMBERSHIP

Councillors

D Congreve (Chair)	C Campbell	J Procter
R Grahame		G Wilkinson
M Harland		
C Macniven		
A McKenna		
E Taylor		

**Agenda compiled by:
Stuart Robinson
Governance Services
Civic Hall
Tel: 0113 24 74360**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <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 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 Head of Governance Services at least 24 hours before the meeting)</p>	

Item No	Ward	Item Not Open		Page No
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 the following 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, as follows:-</p>	
3			<p>LATE ITEMS</p> <p>To identify items which have been admitted to the agenda by the Chair for consideration</p> <p>(The special circumstances shall be specified in the minutes)</p>	

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4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY AND OTHER INTERESTS</p> <p>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-18 of the Members' Code of Conduct. Also to declare any other significant interests which the Member wishes to declare in the public interest, in accordance with paragraphs 19-20 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p> <p>To receive any apologies for absence</p>	
6			<p>MINUTES</p> <p>To receive the minutes of the Plans Panel East meeting held on 6th September 2012</p> <p>(minutes attached)</p>	3 - 10
7	Harewood		<p>APPLICATIONS 12/01807/FU, 12/01808/FU AND 12/01810/ADV - OLD STAR INN LEEDS ROAD COLLINGHAM WETHERBY</p> <p>Further to minute 54 of the Plans Panel East meeting held on 6th September 2012, where Panel deferred consideration of applications in respect of 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall for further information, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	11 - 28

Item No	Ward	Item Not Open		Page No
8	Harewood		<p>APPLICATION 12/02838/FU - LITTLE ACRES LINTON LANE LINTON WETHERBY LS22</p> <p>Further to minute 60 of the Plans Panel East meeting held on 6th September 2012 where Panel deferred consideration of an application for variation of condition 1 (approved plans) of approval 11/00343/RM (three detached houses to garden) for minor material amendment relating to replacement of triple garage to plot 3 with attached two storey pool/gym and double garage, to enable a site visit to take place, to consider a further report of the Chief Planning Officer</p> <p>(report attached)</p>	29 - 38
9	Gipton and Harehills		<p>APPLICATION 12/02562/FU - 203 HAREHILLS LANE LS8</p> <p>To consider a report of the Chief Planning Officer on an application for change of use of first and second floor maisonette to 2 flats and front and rear dormer windows</p> <p>(report attached)</p>	39 - 46
10	Alwoodley		<p>APPLICATION 11/05007/FU - OLD VILLAGE HALL VILLAGE ROAD ECCUP - APPEAL DECISION</p> <p>To consider a report of the Chief Planning Officer setting out an appeal decision in respect of the refusal of planning permission for detached double garage to rear</p> <p>(report attached)</p>	47 - 50

Item No	Ward	Item Not Open		Page No
11			<p>DATE AND TIME OF NEXT MEETING</p> <p>To note that the next meeting will take place on Thursday 1st November 2012 at 1.30pm in the Civic Hall, Leeds</p>	

To all Members of North and East
Plans Panel

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

Contact: Angela M Bloor
Tel: 0113 247 4754
Fax: 0113 395 1599
angela.bloor@leeds.gov.uk
Your reference:
Our reference: ppne site visits
Date 26th September 2012

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – 4TH OCTOBER 2012

Prior to the meeting of the North and East Plans Panel on Thursday 4th October 2012 the following site visits will take place:

10.40am		Depart Civic Hall
10.50am	Gipton and Harehills	203 Harehills Lane LS8 – Change of use of first and second floor maisonette to 2 flats and front and rear dormer windows 12/02562/FU
11.20am	Harewood	Little Acres Linton Lane LS22 – variation of condition 1 (approved plans) of approval 11/00343/RM for minor material amendment relating to replacement of triple garage to plot 3 with attached two storey pool/gym and double garage – 12/02838/FU
12.00 noon Approx		Return to Civic Hall

For those Members requiring transport, a minibus will leave the Civic Hall at **10.40am**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **10.35am**.

Please note that it is likely to be wet on site at Little Acres, Linton, so Members are advised to wear appropriate footwear.

Yours sincerely

Angela M Bloor
Governance Officer



Plans Panel (East)

Thursday, 6th September, 2012

PRESENT: Councillor D Congreve in the Chair

Councillors C Campbell, R Finnigan,
R Grahame, M Harland, G Latty,
C Macniven, A McKenna, J Procter,
E Taylor and P Truswell

50 Chair's opening remarks

The Chair welcomed everyone to the meeting and asked Members and Officers to introduce themselves

51 Late Items

There were no late items

52 Declarations of Disclosable Pecuniary and Other Interests

There were no declarations of disclosable pecuniary interests, however in accordance with paragraphs 19-20 of the Members Code of Conduct, the following declaration was made by Councillor R Grahame, who felt it was in the public interest to do so:

Application 12/027038/FU – 56 The Drive Crossgates LS15 – through Councillor Grahame's wife, Councillor P Grahame's involvement in the application as a Ward Member (minute 56 refers)

53 Minutes

RESOLVED - To approve the minutes of the Plans Panel East meeting held on 9th August 2012

54 Application 11/04988/FU - Demolition of outbuildings, laying out of access roads and erection of 92 houses with landscaping - Land at Daisy Hill Morley LS27

Further to minute 34 of the Plans Panel East meeting held on 12th July 2012, where Panel considered a position statement on the application, Members considered the formal application. It was noted that a site visit had taken place prior to the meeting held on 12th July 2012

Prior to the presentation of the report, the Chair asked that for the benefit of the public who were in attendance for this item, relevant aspects of the planning system be outlined

The Panel's Lead Officer explained that in determining a planning application, a decision maker, this being the Panel, had to have regard to the development plan, this currently being the UDP, unless there were material reasons for not doing so. Furthermore, in this particular case, the site was allocated for housing development

Draft minutes to be submitted to the Chair of the former Plans Panel East for the purposes of approval and signature

and therefore the principle of residential use was established, although the detail of the scheme was likely to form the basis of the debate on the application

Plans, photographs and drawings were displayed at the meeting

Officers presented the report for a residential scheme comprising 92 houses with landscaping and access on a greenfield site at Daisy Hill, Morley LS27 and addressed the issues which had been raised by Panel when considering the position statement

Regarding the degree of openness to the street frontage, whilst consideration had been given to setting the houses further back, this would impact on vehicular access arrangements and therefore the siting of the properties would remain the same although improved landscaping to the front would now be included

Concerning the steep drop to some properties on the southern boundary, a close-boarded fence would be provided and plots 22-23 would be resited 1-1.5m further away from the boundary

In respect of highways, whilst the comments contained in the previous report remained, a reassessment of the junction with Victoria Grove had been undertaken but that a TRO to provide double yellow lines was proposed in order to maximise safety in this location

In terms of education provision, the applicant had agreed to provide the full amount required in the S106 Agreement for this scheme and it would be for Children's Services to decide how this contribution would be used

Environmental concerns and that there had been previous complaints about the odour from the nearby industrial uses but that the level of complaints had decreased and that the operators were working within the Environmental Permits

In relation to the appearance of the proposed dwellings, the applicant had carried out and submitted a character assessment of the area which had concluded there was no specific character of housing in the area, however reference had been made to aspects of the surrounding properties in the design details of the dwellings

At this point, due to the level of public attendance for this meeting, the Chair asked if those not attending for this application would wait in the Ante-Chamber where they would be called at the conclusion of this item

Officers stated that the proposal complied with the guidance in 'Neighbourhoods for Living and further updated the report stating that a Metrocard scheme was to be agreed; that further information had been provided in respect of the Code for Sustainable Housing with conditions around sustainability being recommended and that in respect of noise and disturbance, this matter had been considered and was felt to be acceptable, subject to the condition set out in the submitted report. If minded to accept the Officer's recommendation to approve the application, Members were informed that condition 21 in the submitted report should be deleted and that the wording of the recommendation should be altered to include Affordable Housing provision of 15%

The Panel heard from an objector and the applicant's agent who attended the meeting

Members discussed the application and commented on the following matters:

- the level of consultation the applicant had engaged in with local residents

- public transport provision; the proximity of the nearest bus stop which exceeded the distance regarded as acceptable by an Inspector on a scheme in another part of the city and the frequency of bus services
- education provision for the estimated 21 primary school children from the development, in view of a lack of places at several primary schools closest to the site
- drainage, with concerns that the proposed attenuation measures would have an impact on drainage further along at the Ring Road and concerns that the proposed measures might not be sufficient in view of the recent wet weather
- the proximity to the site of industrial uses; that a well-established business employing a large number of local people could be affected if the number of environmental complaints increased and the acceptance in the Officer's report that there was little, if anything which could be done to eliminate odours from this use
- the population figures for Leeds and the number of planning permissions granted for residential units
- the siting of the affordable housing with some concerns that whilst this was in several locations and it met the requirements of Officers, it did not represent true peppercorning,
- whether health providers had been consulted or made aware of the proposals as in view of the scale of the development, this would impact on health provision
- the provision of the close-boarded fence; the maintenance of this and the POS beyond it and continuing concerns about the proximity of the houses close to the cliff edge and overdevelopment of the site
- highways issues and concerns that the development would have a detrimental impact, particularly on Churwell Hill
- concerns at the principle of residential development on the site and that greenfield sites should be protected
- the efforts of the Council to craft a new relationship with volume house-builders and disappointment at the scheme being presented for approval

Officers provided the following responses:

- that the normal expectation for a development of this type and location would be for bus stops to high frequency services to be within a 400m walk of the site or a rail station to be within a 800m walk. Whilst bus stops were within 400m, the services available were not high frequency. However, the site was a short walk to the rail station giving access to Leeds and access to public transport was considered to be acceptable. In addition, high frequency bus services were available approximately a 700m walk from the site and the applicant was to fund reconstruction of the footpath between Daisy Hill to the rail station. This link would benefit the site and also existing residents. In terms of the number of traffic movements the scheme would generate, the transport assessment which had been submitted had been audited using the industry standard TRICS database and Officers were satisfied the development would not have a significant impact on the local road network including Churwell Hill

- that drainage from the development would go into the existing water course with attenuation measures being provided to ensure the run-off rates were at greenfield level so ensuring the impact of the development did not worsen the current situation. Whilst Members might wish to see an improved situation, the planning judgement used for new development was that it should not make the existing situation worse
- that Officers were not in possession at the meeting of the 2011 census figures but that the figures were within 5,000 of the estimate of the Core Strategy and that in terms of agreed planning permissions for residential units, there were 21,600, with the annual target in the draft Core Strategy being for 3,500 extra residential units per year with currently around 2,000 being provided. On this matter, the Chief Planning Officer referred to the Secretary of State's announcement earlier in the day of the relaxation of permitted development rights and S106 agreements and the possibility of taking the determination of applications into the hands of the Planning Inspectorate where concerns existed over the speed and quality of the work of the local planning authority
- that there was currently no requirement to make extra provision for health services through the planning system, although a dialogue was being developed around making these links
- that the responsibility for maintaining the fence would rest with the residents but that a management plan was required to be submitted for the POS beyond it

Members considered how to proceed and further discussed areas of concern; the limitations of the site and the possibility of sustaining reasons for refusal on appeal

RESOLVED - That the Officer's recommendation to grant planning permission be not accepted and that the Chief Planning Officer be asked to submit a further report to the next meeting setting out further information and possible reasons for refusal based upon the unsustainability of the site with reference to the policies set out in the National Planning Policy Framework (NPPF)

Following this item those members of the public who had vacated their seats to help alleviate the overcrowding in the room, were invited back into the meeting

55 Applications 12/01807/FU, 12/01808/FU & 12/01810/FU - Alterations and externally illuminated signage to the Old Star Inn, Leeds Road, Collingham, Wetherby LS22

Plans, photographs and drawings were displayed at the meeting. A Members site visit had taken place earlier in the day which some Members had attended

Officers presented the report which related to alterations and signage to the Old Star Inn, Leeds Road Collingham which was sited in the Collingham Conservation Area and was regarded as an important gateway feature

Reference was made to the significant level of representations which had been received about the application and whilst one concern was the intended use of

the premises as a convenience foodstore, it was stressed that a change of use of the premises to A1 retail was permitted development

The Panel heard from an objector and the applicant's agent who attended the meeting

In discussing the application, issues relating to parking, pedestrian access and the relationship of the property to the remaining unit on the site were raised and in view of this the Chair proposed that consideration of the application be deferred

RESOLVED - To defer determination of the application to enable further consideration of the issues raised and that a further report be brought to Panel in due course

56 Application 12/02738/FU - 3 bedroom detached house incorporating second floor ancillary granny annex to garden plot (part retrospective) - 56 The Drive, Crossgates, Leeds, LS15 8EP

Further to minute 201 of the Plans Panel East meeting held on 19th April 2012, where Panel resolved to refuse the latest version of an application for a 3 bedroom detached house with second floor granny annex at 56 The Drive, Crossgates LS15, the Panel considered a further report

Officers presented the report and provided a brief planning history of the site and informed Members that the application being considered was similar to the scheme considered in April 2012

Members were informed that the height of the dwelling was a key factor in this lengthy process and were shown photographs which had been taken on the original site inspection in 2005 and more recent photographs, with concerns that the ground levels had been altered

Receipt of a further representation was reported which referred to the lengthy process and the consistent opposition to the scheme by local residents, Ward Members and the local MP

RESOLVED - That the application be refused for the following reason:

The proposed retention and modification of the dwelling house would by reason of its excessive height and resulting scale, mass and bulk and overall design relative to its immediate neighbours, appear obtrusive and represent a discordant feature in the street scene to the detriment of the character and appearance of the area. As such, the development would be contrary to Policies GP5, N12 and N13 of the Leeds Unitary Development Plan (Review), residential design guide for Leeds 'Neighbourhoods for Living' and the design advice contained within the National Planning Policy Framework

57 Application 11/05133/FU - Detached annex to form ancillary accommodation to front - 3 Quarry Road, Woodlesford, LS26

Prior to consideration of this matter, Councillor Finnigan left the meeting

Plans and photographs were displayed at the meeting. A Members site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for ancillary accommodation to the front of 3 Quarry Road LS26 which was situated in the Woodlesford Conservation Area

Draft minutes to be submitted to the Chair of the former Plans Panel East for the purposes of approval and signature

Members were informed that the proposal was to demolish the existing flat roof garage and replace this with a single storey building to provide a bedroom and bathroom at upper floor level and a double garage at ground floor level. The design of the accommodation was considered to be better than the existing building and did have some regard to the existing property

Whilst there was a long planning history on the site for a detached dwelling, the current proposal sought a reduced level of accommodation and was now encompassed within the garden of the host property

To address flooding issues, the finished floor levels had been raised and the use of porous material and provision of a soakaway was considered to be acceptable

In terms of the existing garage this could be converted to residential use without the need for planning permission

The Panel heard representations from Councillor Nagle who was objecting to the application and from the applicant

RESOLVED - That the application be granted subject to the conditions in the submitted report; the rewording of condition 10 to specify the layout of the property as shown on the plan and a further condition specifying that the accommodation be for the use solely of occupants of the property

58 Application 12/02014/FU - Installation of one detached turbine to field - Land at Kiddal Quarry Farm, Near Potterton, Leeds 14

Plans, drawings, photographs and graphics were displayed at the meeting. A Members site visit had taken place earlier in the day which some Members had attended

Officers presented the report which sought permission for a single wind turbine – hub height 15.4m with maximum blade tip height of 21m at Kiddal Quarry Farm near Potterton which was situated in the Green Belt

A series of graphics were displayed showing the proposed wind turbine from a variety of locations which had been provided by the applicant. Planting would be provided to ensure screening although it was stressed that this was very much a long-term solution

Having considered the application, Officers were of the view that very special circumstances had been demonstrated to outweigh the harm to the Green Belt and recommended approval of the application to Panel

Members commented on the following matters:

- environmental issues relating to wind turbines, both locally and internationally, particular the impact on farm land in China through mineral extraction for the batteries needed to power these structures
- the payment of subsidies for the electricity generated from wind turbines and that this issue should be looked at in greater detail
- the location of the turbine in the site and whether alternative locations had been considered. Members were informed that this was the location chosen by the applicant and that no other locations had been considered on what was a relatively small land holding
- the size of the turbine which was considered to be large for one dwelling. On this matter the Principal Minerals Planner advised that there was no requirement to demonstrate need

The Panel considered how to proceed

Draft minutes to be submitted to the Chair of the former Plans Panel East for the purposes of approval and signature

RESOLVED - That the application be deferred and delegated to the Chief Planning Officer for approval, subject to further discussions about the siting of the wind-turbine, including with Ward Members and that in the event this could not be resited, to determine the application as set out in the submitted report

59 Application 12/02300/FU - Removal of condition 6 of previous approval 31/204/97/FU and alterations to garage to form habitable room; two storey and first floor side extension and attached garage to side - 3 Freely Fields, Bramham, Wetherby

Further to minute 60 of the Plans Panel East meeting held on 11th August 2011, where Panel resolved to refuse a similar application on the site, the Panel considered a revised report

Plans, photographs and drawings were displayed at the meeting

Officers presented the report and provided a brief planning history of the site which was located in the Bramham Conservation Area. Appended to the report for Members' information was a copy of the appeal decision following Panel's refusal of the previous scheme. In the scheme before Members, the applicant had sought to address the Inspector's concerns about the location of the garage which was now proposed at the side of the dwelling rather than at the head of the cul-de-sac

Receipt of a further letter of representation was reported

Members heard representations from an objector and the applicant. At Members' request, the Panel's legal adviser was asked to outline the Council's position on recording public meetings

The Panel considered the application and commented on the following matters:

- the removal of the existing, reasonably substantial vegetation to accommodate the proposals
- that the proposals were overdevelopment and would have a detrimental impact on the character of the cul-de-sac
- that the proposals would have a detrimental impact on residential amenity
- concerns that there was a history to the site and that some Members had not been on Panel when the scheme had previously been discussed and therefore had not had the benefit of a site visit

A proposal to refuse the application was made, seconded and voted upon

RESOLVED - That the application be granted subject to the conditions set out in the submitted report

Under Council Procedure Rule 16.5, Councillor A McKenna required it to be recorded that she abstained from voting on the matter

60 Application 12/02838/FU - Variation of condition 1 (approved plans) of approval 11/00343/RM (Three detached houses to garden) for minor material amendment relating to replacement of triple garage to plot 3 with attached two storey pool/gym and double garage - Little Acres, Linton Lane, Linton, Wetherby

Prior to consideration of this matter, Councillor R Grahame left the meeting

Draft minutes to be submitted to the Chair of the former Plans Panel East for the purposes of approval and signature

Plans, including plans of previous approvals together with photographs and drawings were displayed at the meeting

Officers presented the report which sought a further amendment to a previously approved scheme at Little Acres, Linton Road LS22

Members were informed that the applicant had submitted an explanation as to why further changes had come forward since the Reserved Matters approval which related to the requirements of a prospective purchaser in the current harsh economic climate

The proposals were to reduce the triple garage to a double garage to accommodate a gym and swimming pool and construct a two storey linked extension from the garage to the house

No objections to the proposals had been received from neighbours; the separation distances were above those set out in 'Neighbourhoods for Living' and the application was compliant in policy terms

In seeking to fully understand the application, a request for a plan showing the whole house was made. The absence of this and of Members having to rely on drawings showing the developments but in different scales was discussed

RESOLVED - That determination of the application be deferred to the next meeting to enable a plan to be produced showing the proposals in relation to the whole house and the plot, and that a site visit be arranged to enable Members to see plotted out on the site, the proposed extension and the alterations which have been made to the scheme since the Reserved Matters approval was granted

61 Date and time of next meeting

Thursday 4th October 2012 at 1.30pm in the Civic Hall, Leeds



Originator: U. Dadhiwala
Tel: 0113 2224409

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 4th October 2012

Subject: The report refers to the following applications proposing various alterations and externally illuminated signage to the Old Star Inn, Leeds Road, Collingham, LS22 5AP

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

12/01810/ADV- 2 externally illuminated signs.

APPLICANT	DATE VALID	TARGET DATE
Tesco Stores LTD	23 rd April 2012	18 th June 2012

Electoral Wards Affected: Harewood <input type="checkbox"/> Yes Ward Members consulted (referred to in report)	Specific Implications For: Equality and Diversity <input type="checkbox"/> Community Cohesion <input type="checkbox"/> Narrowing the Gap <input type="checkbox"/>
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RECOMMENDATION:
GRANT PERMISSION subject to the following conditions:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

1. Time limit on full permission (3yrs).
2. Develop in accordance with approved plans.
3. Details of external walling materials to be submitted.
4. Sample panel of the stonework to be provided.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

1. Time limit on full permission (3yrs).
2. Develop in accordance with approved plans.

3. Details of surfacing materials to be submitted.
4. Areas to be used by vehicles to be surfaced and drained using permeable materials.
5. Details including materials and colour of the doors and windows.
6. Submission and implementation of a tree planting scheme in the car park.
7. The development shall be carried out in accordance with the agreed Car Park Management Plan.
8. The development shall be carried out in accordance with the agreed Servicing Management Plan.

12/01810/ADV- 2 externally illuminated signs.

1. Time limit on full permission (5yrs).
2. The colour scheme of the proposed free standing sign to be submitted for approval.
3. The details of the material of the proposed fascia sign to be submitted.

Full details of the conditions (including any amendments as necessary) to be deferred to the Chief Planning Officer

Reasons for approval: These applications are considered to comply with policies GP5, BD6, N19, BD8, BD9 and T2 as well as guidance contained within the Collingham Conservation Area Appraisal and Management Plan as well as the Supplementary Planning Document 'Advertising Design Guide' and having regard to all other material considerations.

1.0 INTRODUCTION:

- 1.1 The applications were discussed at the 6th September Plans Panel. The key issues which emerged from the discussion related to parking arrangements, bin storage, the relationship of the property to the remaining unit on the site and the weight that should be applied to the fallback position (i.e. that the applicant can use the property for retail purposes without needing to obtain planning permission from the Council). Panel resolved to defer determination of the application to enable further consideration of the issues raised.
- 1.2 The following details have been submitted so that an adequate assessment can be made of the issues raised in the September Plans Panel:

Weight to be attached to the fallback position

- 1.3 The 'fall - back' position is a material consideration where it can be shown that the development and uses to which the site might be put without further planning permission, having regard in particular to the Use Classes Order, would bring about a similar situation to that for which permission is sought. In this case the use of the premises which are the subject of the planning application can be changed from their current use (A3 restaurant) to an A1 retail use without the need for further planning permission. As with any material consideration, the weight to be attached to it is a matter for the decision maker depending on the circumstances. So, for example if the fall- back position is more theoretical than real then this will reduce the weight to be attached to it as a material consideration. By contrast, if there is a real prospect that the fall back position could be realised then the weight to be attached to it will inevitably be greater – and it is likely to be regarded by any decision maker as a highly material

consideration which should be accorded considerable weight. Officers take the view that the fall-back position is capable of being realised, is more real than theoretical and therefore should be accorded considerable weight. The ability to change the use of the premises to retail is not disputed by the agent for the Parish Council, who states in his letter of objection of 1st June 2012 “..... *the Parish Council appreciate that the principle of the proposed retail use is appropriate, given the established use of the property,*”

Letter from the letting agents CBRE outlining the intentions for the vacant unit

- 1.4 The letter states that Tesco Plc will take approximately 4,000 sq ft of the existing building leaving a second unit of 2,000 sq ft at ground floor and similar space on the first floor. No detailed marketing of the smaller unit has taken place and will not until Tesco's have obtained planning permission for their unit. There has been enquiries about the unit, with currently two parties being particularly interested. The interested parties are looking to use the property for either retail or as a kitchen showroom.

Letter from Transport Planning Associates regarding car parking numbers (TPA are private highway consultants who have been commissioned by the applicant)

- 1.5 Based upon floor space allocations and the likely use of the two units on the site, TPA have suggested that 70% of the car parking spaces should be allocated to Tesco Express and 30% to the remaining unit.
- 1.6 On the parking spaces allocated for Tesco, it is suggested that a 20 minute parking restriction is imposed. TPA believes that the average duration of stay in an Tesco Express of a similar floor space is 7 to 10 minutes. Therefore, 20 minutes would be more than sufficient for shoppers.
- 1.7 TPA considers that in total 15 to 20 parking spaces would be required to serve the two units.
- 1.8 The Management Plan incorporates the recommendation made by TPA. Tesco will be allocated 12 parking space (70%) whilst 5 parking spaces (30%) will be allocated to the remaining unit. Signage will be installed to indicate the parking designations, with the Tesco spaces being restricted to a 20 minute stay duration. A car park management company will be commissioned to enforce the management plan.
- 1.9 From the perspective of a highway officer there are good reasons for conditions to be attached to any permission granted that secure the implementation of an appropriate car parking and servicing management plan/s. However, strong arguments exist to have a management plan that facilitates some flexibility in the use of the car parking. For example to allow the car park to be used by shoppers visiting other shops in the locality by keeping the car parking spaces unallocated and easing any time limit restriction imposed. The service management plan could address issues such as the timing of deliveries, the size of vehicles and the routing of them. This could be achieved through the imposition of a suitably worded conditions that require the details to be agreed with the local planning authority.

Bin Storage

- 1.9 The bin storage unit is highlighted on the submitted plan referenced (P) 103-3. The plan shows a Euro bin store facility within the service yard adjacent to the 2 a/c units, pushed against the main wall of the building.
- 1.10 The previous report, updated to reflect the legal advice received (see paragraph 1.3 above) is set out below for Members information.

2.0 PROPOSAL:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall

- 2.1 The application proposes to mount three air conditioning units to the rear of the building and to create a service yard as well as the installation of a condenser unit. It is also proposed that the service yard would be enclosed by a 2.4m high stone wall which also features paneled metal railings and a timber gate.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard

- 2.2 The existing front entrance comprises of a porch with traditional doors. The application proposes to replace the doors with electric sliding doors and to position the sliding doors to sit flush with the main building. The porch itself, which comprises of front pilasters and fascia panel, will be retained.
- 2.3 An existing boarded up front entrance bay located to the eastern wing of the building will re-opened and fitted with a door.
- 2.4 It is further proposed that the front parking area and the rear yard will be resurfaced with tarmac and the parking bays will be formalised with white markings.

12/01810/ADV- 2 externally illuminated signs.

- 2.5 Two externally illuminated Tesco Express signs are proposed to replace the existing signs. The existing freestanding sign to the front of the site would be retained. The freestanding sign will be modified to display the name of the occupier (Tesco Express) and the opening and closing times. The sign will be painted in the company's corporate colours and new lights will be installed.
- 2.6 A new fascia sign is proposed to replace the existing fascia sign on the building. The fascia sign will be of a similar size to the existing but the lettering style and the colour will be different.

3.0 SITE AND SURROUNDINGS:

- 3.1 This application relates to part of the former Old Star Inn in Collingham which previously operated as a restaurant and public house in mixed use. The site is located within the Collingham Conservation Area and is an important gateway feature. The former Old Star Inn is adjoined by a car sales showroom and forms a prominent island site which is bounded by Main Street to the south, Harewood Road to the north and Mill Lane to the west. The site comprises of the main stone building and the parking areas to the front and rear. The car park to the front of

the site can be accessed via Main Street and Mill Lane, whilst the site can also be accessed to the rear off Harewood Road.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site has been subject to a number of planning applications which relate to the various extensions and signage to the property. The details of the previous applications are summarised below.

- H31/193/91/- Alterations to form enlarged kitchen and enlarged restaurant, and extension to form porch, to restaurant and bar. Approved, September 1991
- H31/271/87/One internally illuminated wall sign, size 4.88m x 1.98m, height above ground 2.44m (underside), one non-illuminate. Approved, January 1987
- H31/335/86/- Change of use, involving alterations of commercial garage, to public house function rooms. Refused March 1987.
- H31/132/84/- One externally illuminated individual letter wall sign, size 5.2m x 0.5m, height above ground 3.4m (underside). Approved July 1984.
- H31/106/84/- Alterations and extension to form porch to rear, glazing of portico to front, creation of escape door. June 1984.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Discussions during the course of the planning application have focused primarily on the request for following information;

- Clarifications of the site boundary.
- Vehicle turning plan.
- Submissions of plans showing a stone wall screening to the plant units.
- Site management plan

5.2 Revised plans have been submitted showing all the details requested.

5.3 Following the September Plans Panel, discussions were held with the Agent to discuss the Panel's request for additional information.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The applications were publicised as affecting the character of the Conservation Area by site notices that were displayed on 27th April 2012. The applications were publicised in the Boston Spa and Wetherby News on 11th May 2012.

6.2 The Local Ward Members and members of the Parish Council have also been briefed on the applications. Ward Members requested the submission of the following additional information:

- A noise survey required to evaluate the implications of the proposed air conditioning units.
- Details of turning circles for delivery vehicles.

- Details of the size of delivery vehicles.
- Details of how parking and servicing to the Tesco store will impact upon the parking and servicing of the remaining A4 use.

6.3 A planning consultant has been employed by the Parish Council to make representations on their behalf. The comments received raise the following concerns;

- The applications are not accompanied by a Transport Statement investigating the impact on traffic flows.
- Safe access is required.
- Safe pedestrian crossings required.
- Insufficient parking spaces available on site.
- Noise survey required to assess the impact of noise from the plant/equipment.
- The applications should be accompanied by a Statement of Community Involvement.
- The plant screening should be in keeping with the character of the existing building.
- A stone wall should be provided along the Harewood Road boundary.
- The proposed wall to the front of the site should be taller and be re-positioned to create more pavement width.
- The proposed resurfacing should consider defining the pedestrian areas and connect these to the new and existing pedestrian facilities.
- Details of the proposed repair materials should be provided.
- The position of the free standing sign is unclear from the plans.
- The deliveries to the site should be controlled.

6.4 There are 469 objections letters recorded and 40 support letters have been received.

6.5 The objection raised centre around the following issues;

- The parking area is inadequate for the needs of the site.
- The access is inadequate for the proposed use of the site as an A1 Tesco Express.
- Tesco Express does not belong in a village.
- Increase in traffic and vehicle movement.
- Lack of a pedestrian access.
- Negative impact on village shops.
- Increase in traffic.
- The proposed wall will affect visibility at the junction.
- Pedestrian crossing areas are required.
- Part of the Pub will remain vacant, which will adversely impact on the character of the area.
- Large delivery vehicles coming to and from the site will disturb neighbours.
- The extended opening hours will disturb neighbours.
- Potential risk of increased anti social behaviour.
- The use of the site as an A1 convenience store is inappropriate.
- The rear yard being inadequate for a large delivery vehicle to turn.
- Noise from plant and equipment disturbing neighbours.
- The proposed signs will have an adverse impact on the character of the area.

- The timber-screening fence will appear out of character with the Conservation Area.
- The illumination of the signs will be out of character with the Conservation Area.
- The removal of a grass verge and the construction of a stone wall will have an adverse impact on the character of the area.
- The free standing sign being too large for the site.

6.6 The letters of support make the following comments;

- The proposed Tesco Express will improve services in the area.
- The store will reduce the need to travel by car for their grocery shop.
- The proposal will bring the site back into use.
- The store will create jobs.

7.0 CONSULTATION RESPONSES:

Statutory:

7.1 None

Non-statutory:

- 7.2 The **Highways Officer** originally commented that the overall external boundary of the site (red/blue line combined) stops short of the adopted part of Mill Lane, thus leaving a gap between the service yard and the means of access to the external highway network, it also suggested that the line of the front boundary is incorrect and that the proposed front wall may be positioned on highways land.
- 7.3 The applicant has submitted a revised site plan to correct the blue line boundary and to show the wall positioned within the site boundary.
- 7.4 The Highways Officer also requested the following;
- Provisions of a signalised pedestrian crossing on the A58.
 - Pedestrian crossing to be provided on Mill Lane.
 - The vehicle access off Mill Lane is reconfigured.
 - Resolving the red line boundary issues in the vicinity of the rear service yard off Mill Lane.
 - Requirement for a Traffic Regulation Order to allow delivery vehicles to use the service yard.
 - A Service Management Plan
- 7.5 Following revisions the Council's Conservation Officer raises no concerns relating to the signage or any other aspect of the operation development proposed.
- 7.6 The Conservation Officer recommends that the applicant is advised to resurface the parking areas to the front and rear using a mixture of materials, including tegular blocks at the entrance, and a lighter asphalt to define the parking spaces. It is considered that would lessen the impact of the existing tarmac, which is considered to have a negative impact on the Conservation Area.
- 7.7 Concerns were raised by the Conservation Officer with regards to the fence proposed to enclose the plant units to the rear. The plans have been revised to now show a stone wall to enclose the proposed plant.

- 7.8 The Council's Environmental Protection Team conclude that the sound output from the plant units will be low and due to the adequate separation distance from residential dwellings, the noise from the plant will not harm the living conditions of surrounding residents.
- 8.0 PLANNING POLICIES:**
- 8.1 The Development Plan for the area consists of the Regional Spatial Strategy and the adopted Unitary Development Plan Review (UDPR), along with relevant supplementary planning guidance and documents. The Local Development Framework will eventually replace the UDPR but at the moment this is undergoing production with the Core Strategy still being at the draft stage.
- 8.2 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 draft 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.
- 8.3 The site is located within the Collingham Conservation Area and is marked as a positive building in the Collingham Conservation Area Appraisal and Management Plan. The following policies are considered to be of relevance:
- Policy GP5 refers to development proposals should seek to avoid loss of amenity.
 - Policy BD6 states that alterations and extensions should respect the scale, form, detailing and materials of the original building.
 - N19: all new buildings or extensions in Conservation Area should preserve or enhance the character or appearance of the area.
 - Policy BD8: refers to all signs be well designed and sensitively located.
 - Policy BD9: States that illuminating signs will only be permitted within the Conservation Area where they do not detract from visual amenity.
 - Policy T2: highway safety.
- 8.4 Relevant Supplementary Guidance:
Supplementary Planning Document 'Advertising Design Guide' (2006).
- 8.5 Collingham Conservation Area Appraisal and Management Plan highlights that the parking area in front of The Old Star Inn and the service yard to the rear are unsympathetic to the appearance of Collingham. It recommends that tree planting, soft landscaping and stone boundary walls could all lessen the impact of the parking and enhance the special character and appearance of the conservation area.
- 8.6 Draft Core Strategy 2009 (Preferred Approach) identifies Collingham as a smaller settlement. Smaller settlements have been identified within the settlement hierarchy as being above the village/rural level, yet they do not all have appropriate facilities to serve local day-to-day needs. In these centres small-scale new retail, leisure, and community facilities to serve local day-to-day needs will be supported where they can be clustered to form a community focus.

8.7 Government Planning Policy Guidance:
National Planning Policy Framework (NPPF, 2012)

9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual amenity and the character of the Conservation Area
3. Residential amenity
4. Highways implications
5. Planning obligation
6. Public representation

10.0 APPRAISAL

Principle of development:

10.1 In terms of the principle of the retail use of the development site, a change of use from A3 – A1 is permitted development and therefore there is a fall-back position in this case. Officers are of the view that there is a realistic prospect of this fall-back position being realised (i.e. it is not a theoretical fall-back position) and therefore it is a highly material consideration when it comes to the consideration of the application. The proposals should be considered in the light of what the site could be used for without requiring planning permission.

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

10.2 The three air conditioning units and the condenser unit will be located in a dedicated plant area to the rear of the site. It is further proposed that this plant would be screened by a 2.4m high stone wall with gating. Given that the plant equipment proposed will not be visible from public vantage points, it is considered that they will not have a significant detrimental impact on the character of the Conservation Area.

10.3 The stone wall proposed to screen the plant equipment will match the stone of the existing building. Therefore, it is considered that the wall will not appear out of place nor will it have an adverse impact on the character of the Conservation Area. The Conservation Officer has not raised concerns with regards to the visual impact of this enclosure. A condition should be attached to ensure the stone proposed is of a high quality and is similar to the existing building.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

10.4 The proposed alterations to the front entrance are relatively minor and include introduction of electric sliding doors and the re-opening of a boarded up entrance door. As the new sliding doors will be located behind the classical portico its visual impact on the character of the Conservation Area will be minimal. It is considered that the re-opening of a section of the building which was originally open, will not adversely impact on the design of the building or the character of the Conservation Area. The alterations to the facade of the building has also been assessed by the Conservation Officer who has raised no concerns. It is considered that a condition should be attached to ensure the materials and the colour of any new fenestration are submitted and approved before being

installation. This will ensure that the fenestration proposed relate symmetrically to the character of the Conservation Area.

- 10.5 The application also proposed to re-surface to the front and rear parking areas and to add new markings for the parking spaces. As the front and rear of the site are currently hard surfaced with tarmac, the proposal to re-surface these areas are acceptable. The Conservation Officer has commented that this aspect of the scheme presents an opportunity to minimise the visual impact of the hard surfacing and it is recommend that a mixture of materials, that are lighter in colour, should be used. It is considered that the hard surfacing materials can be negotiated via a condition requiring the details of the surface materials being submitted.

12/01810/ADV- 2 externally illuminated signs.

- 10.6 Two externally illuminated Tesco Express signs are proposed. The existing free standing gantry sign is proposed to be retained with the Tesco colours being added and new lights being installed. A fascia sign is proposed to replace the existing fascia sign on the building. The fascia sign will be of a similar size but the lettering style and the colour will be different.
- 10.7 There are currently a variety of signs in the area of differing styles and colour. The signs proposed are similar in proportion to the existing arrangements. The proposed signs will be externally illuminated. It is considered that the design, illumination and the proportions of the signs are acceptable and will not have an adverse impact on the character of the Conservation Area.
- 10.8 The proposed colour and the design of the lettering are relatively subtle and unassuming. It is considered that the design and colour will respect the character of the Conservation Area. The Conservation Officer has suggested that the frame of the free standing sign should be painted black and that the sign above the entrance to be painted metal. It is considered that the above suggestions made by the Conservation Officer should be secured through planning conditions.

Impact on residential amenity:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

- 10.9 The potential noise from the proposed plant equipment has been evaluated by the Council's Environmental Protection Team. The Environmental Protection Team conclude that the sound output from the units will be low and, due to the adequate separation distance from residential dwellings, the noise from the plant and from the adjacent roads will not harm residential amenity.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

- 10.10 The proposed alterations to the front entrance and the resurfacing the parking areas to the front and rear, are minor alterations to the building, which will not have an adverse impact on neighbouring residential amenity.

12/01810/ADV- 2 externally illuminated signs.

- 10.11 The proposed signs are replacements of the existing; therefore the signs do not pose a significant threat to neighboring residential amenity

Highways implications:

12/01807/FU- 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall.

- 10.12 The proposed plant equipment and stone wall proposed to screen the plant equipment will not raise highway safety concerns.

12/01808/FU- Alterations to the front and rear elevations and hard surfacing front car park and rear service yard.

- 10.13 The proposed alterations to the front entrance and the resurfacing the parking areas to the front and rear will not have an adverse impact on highway safety.

12/01810/ADV- 2 externally illuminated signs.

- 10.14 The proposed signs are replacements of the existing, therefore the signs do not pose any highway safety issues.

Other matters raised by Highways

- 10.15 As previously mentioned the change of use of the building from an A3 use to A1 (retail) is permitted development and represents a fall-back position which should be accorded considerable weight.

- 10.16 The fact that the site could be used for retail development (or indeed for A3 purposes) without the need for express planning permission, and without the ability of the planning authority to impose controls on the level of parking provision or the management of such needs to be taken into account in the appraisal of the current proposals. However, the proposed works do facilitate the retail use and this use raises wider planning issues particularly concerning parking and servicing. In light of this it is considered appropriate to add conditions to any planning permission granted to address these matters. The applicant has indicated that it is common practice for Tesco to manage their car parks in order to maintain a reasonable turnover of spaces and where appropriate they will install signage and impose restrictions through a car park management company to avoid abuse of the car park / all day parking, which would be detrimental to operation of the store and / or the public highway, whilst also allowing parking to be provided for the public house.

- 10.17 The applicant is aware of Ward Member concerns, Parish Council and local resident comments with regard to pedestrian safety and the potential for increased activity as well as the observations raised by the Council's Highway Engineer. With this in mind the applicant has signed a unilateral undertaking to provide a funding contribution of £25,000 towards the cost of providing a controlled crossing on the A58 as a community benefit.

Planning Obligations

- 10.18 From 6 April 2010 guidance was issued stating that a planning obligation may only constitute a reason for granting planning permission for development if the obligation is:

Necessary to make the development acceptable in planning terms - Planning obligations should be used to make acceptable, development which otherwise would be unacceptable in planning terms.

Directly related to the development - Planning obligations should be so directly related to proposed developments that the development ought not to be permitted without them. There should be a functional or geographical link between the development and the item being provided as part of the agreement. **And:**

Fairly and reasonably related in scale and kind to the development - Planning obligations should be fairly and reasonably related in scale and kind to the proposed development.

- 10.19 Applying these legal tests to the current proposals Members are advised that the fall-back position means that the premises can be used for A1 retail without the need for express planning permission. Accordingly it would be possible to use the premises without any highway improvements being undertaken. In such circumstances, the view of officers is that it is not necessary for the applicant to make such a contribution towards the cost of a controlled crossing. Accordingly, officers have not accorded any planning weight to this offer.

Public representation:

- 10.20 The Ward Members in a briefing meeting requested the submission of the various additional information. The applicant has submitted a plan, for information purposes, showing details of turning circles for delivery vehicles using the rear service area. The applicant has also provided information relating to management arrangements including the size of delivery vehicles and the number of daily anticipated deliveries. As set out above a condition is suggested to address this matter. In light of the strength of the fall-back position it is not thought that the refusal of planning permission on highway grounds could be sustained at appeal.
- 10.21 Although requested, the applicant did not provide a noise survey evaluating the noise implications of the air conditioning units/plant to the rear. As this issue was evaluated by the Council's Environmental Protection Team who concluded that the sound output from the units will be low and not harmful to amenity, it was considered that a noise survey is not necessary and the proposal cannot be objected to on this issue.
- 10.22 The comments made by the Parish Council relating to the applications needing to be accompanied by a Transport Statement and a statement of Community Involvement, are noted. It is considered that the applications are proposing relatively minor developments and the Local Planning Authority would not normally ask for, nor can it justify asking for such documents.
- 10.23 The comment made that the screening fence proposed to the rear should be in keeping with the character of the existing building, is reasonable. The applicant has revised the drawings to show the plant equipment being screened by a stone wall that matches the existing building.
- 10.24 The Parish Council advises that a stone wall should be provided along the Harewood Road boundary. Given the nature of the works proposed, it is not considered that the Local Planning Authority can justify asking the applicant to provide a wall along the rear of the site.

- 10.25 The comments made that the proposed wall should be taller and re-positioned, is noted. As the proposed 0.9m highway wall does not require planning permission, the Local Planning Authority has no control over its height or position.
- 10.26 The Parish Council states that the proposed resurfacing should consider defining the pedestrian areas and connect these to the new and existing pedestrian facilities. Given the fall-back position it is not considered that the Local Planning Authority can justify asking the applicant to provide defined pedestrian areas or new pedestrian crossings.
- 10.27 The suggestion that the applicant should provide details of the proposed repair materials is not supported. The building itself is in a generally sound condition and does not require major repair works. Although minor repair works may be required, the repair works are unlikely to materially alter the appearance of the building. Therefore, there is no planning justification for asking the applicant to provide details of this.
- 10.28 The Parish Council highlights that the position of the free standing sign is unclear from the details submitted. The position of the proposed signage is clear on the plans and effectively the freestanding sign will remain in its current position.
- 10.29 The following objection raised by members of the public all relate to issues that results from the site being used as a retail (A1) development and do not directly result from the works proposed under the applications. Given that the use of the site is not under consideration, the applications cannot be refused on any of the points listed.
- The parking area is inadequate for the needs of the site.
 - The access is inadequate for the proposed use of the site as for a supper market.
 - Increase in traffic and vehicle movement.
 - Lack of a pedestrian access.
 - Negative impact on village shops.
 - Tesco's do not belong in a village.
 - Increase in traffic.
 - Pedestrian crossing areas are required.
 - Large delivery vehicles coming to and from the site will disturb neighbours.
 - The extended opening hours will disturb neighbours.
 - Potential raise in anti social behaviour.
 - The use of the site as an A1 connivance store is inappropriate.
 - The rear yard being inadequate in size for a large delivery vehicle to turn.
- 10.30 The concern raised with regards to potential disturbance to neighbouring dwellings by way of noise from the plant and equipment, was evaluated by the Council's Environmental Protection Team. It is concluded that the sound output from the plant units and equipment will be low and, due to the adequate separation distance from residential dwellings, the noise from the plant will not harm the surrounding residential amenity.
- 10.31 The concern raised that proposed wall will affect visibility at the access point, was evaluated by the Highways Officer. No highway safety concerns are raised with regards to the boundary wall.

- 10.32 The issue raised that the proposed signs will have an adverse impact on the character of the area is noted. This issue has already been discussed in the report and it is considered that the illumination, design and proportions of the signs will not have an adverse impact on the character of the Conservation Area.
- 10.33 The concerns raised that the timber-screening fence will appear out of character with the Conservation Area, is a valid point. The applicant has revised the drawings to replace the fence with a stone wall.
- 10.34 The concern raised that the illumination of the signs will be out of character with the Conservation Area, is unreasonable. Given that the existing signs can be illuminated, the illumination of the proposed signs cannot be objected to.
- 10.35 Concern has been raised that the removal of a grass verge and the construction of a stone wall will have an adverse impact on the character of the area. As the proposal wall does not require planning permission, and therefore the Local Planning Authority has no control on this matter.
- 10.36 The concern raised that the free standing sign is too large for the site, is unreasonable. The freestanding sign is an existing structure and therefore not allowing the applicant to use this structure cannot be justified.
- 10.37 A number of objectors have raised issues relating to the fact that the whole of the Old Starr Inn is not being used for retail purposes and thus leaving part of it vacant and open to neglect and dereliction. In this regard the Council cannot insist that the whole of the building is utilised and thus prevent subdivision.

11.0 CONCLUSION

- 11.1 The 'fall-back' position is a material consideration where it can be shown that the development and uses to which the site might be put without further planning permission, having regard in particular to the Use Classes Order, would bring about a similar situation to that for which permission is sought. A change of use from (A3) restaurant to (A1) retail does not require planning consent. The principle of retail use of the site is therefore established. Although the applicant has signed a unilateral agreement to provide a £25,000 funding contribution towards the cost of a controlled crossing, in view of the fall-back position officers are not of the view that it is necessary to make the development acceptable in planning terms and therefore should not be taken into account in determining the planning application.

The following developments are proposed;

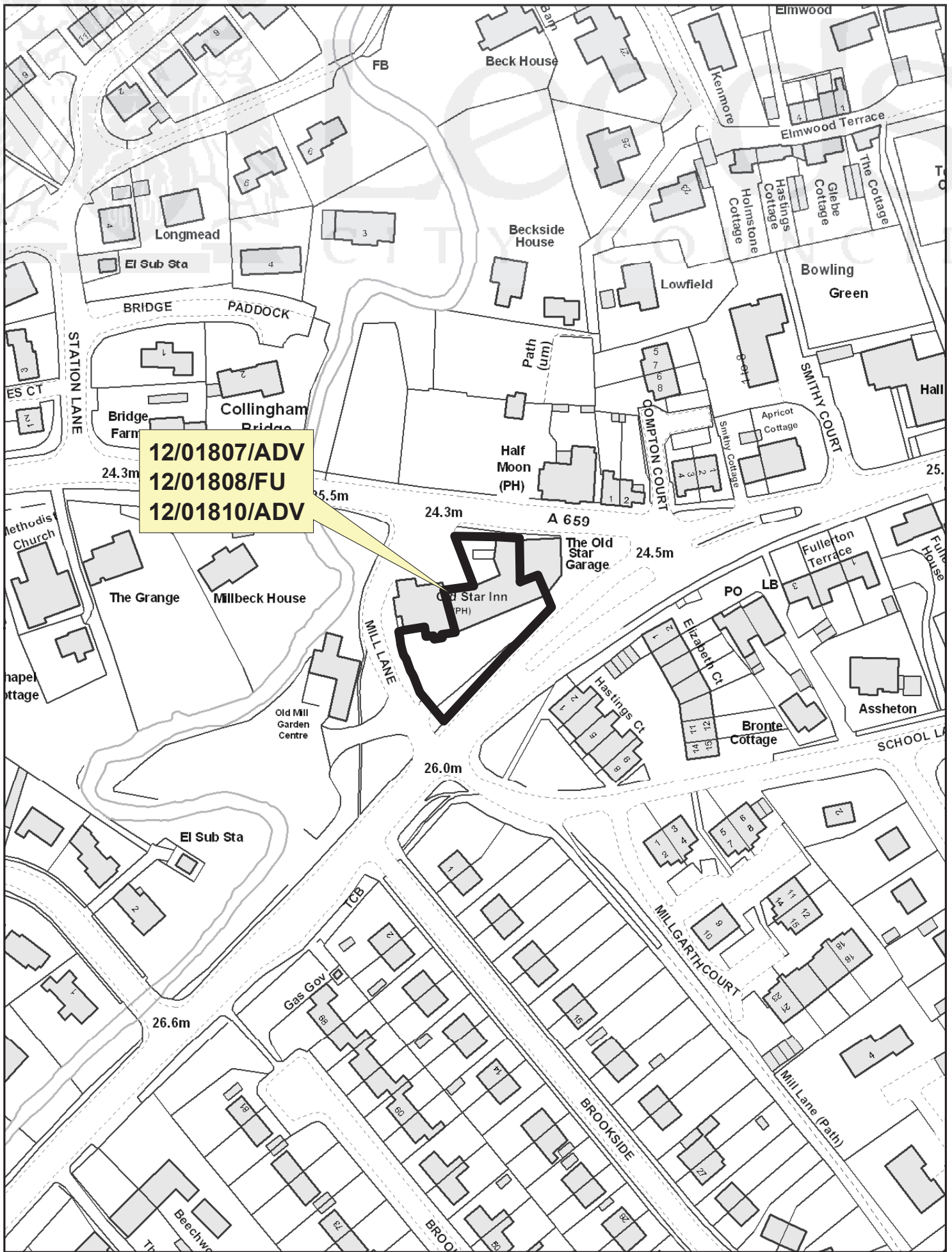
- Positioning of 3 air-conditioning units, 1 condenser unit in the rear yard and 2.4m high stone screening wall to the rear.
 - Alterations to the front porch, reopening of a front entrance and hard surfacing the front car park and rear service yard.
 - Two externally illuminated signs to the front.
- 11.2 It is considered that proposed works proposed will not have an adverse impact on the design of the building or the character of the Conservation Area. It is also considered that the proposals will not cause any harm to the living conditions of any surrounding residents. The existing building is currently in a poor condition and detracts from the character of the Conservation Area and particularly so given that it is a prominent feature in the streetscene. These proposals therefore

represent a positive opportunity to transform the building and to bring it back into beneficial use. In this context it is recommended that the applications are approved.

12.0 Background Papers:

Application files: 12/01807/FU, 12/01808/FU, 12/01810/ADV

Certificate of Ownership (Cert B) served on the landowner Incorporated Trustees of Lady Hastings Charity dated 20th April 2012 .



NORTH AND EAST PLANS PANEL

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Originator: Umar Dadhiwala

Tel: 0113 2478175

Report of the Chief Planning Officer

PLANS PANEL NORTH AND EAST

Date: 4th October 2012

Subject: APPLICATION 12/02838/FU – Variation of condition 1 (approved plans) of approval 11/00343/RM (Three detached houses to garden) for MINOR MATERIAL AMENDMENT relating to replacement of triple garage to plot 3 with attached two storey pool/gym and double garage, at Little Acres, Linton Lane, Linton LS22.

APPLICANT

Yorpark

DATE VALID

28th June 2012

TARGET DATE

23rd August 2012

Electoral Wards Affected:

Harewood

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
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
3. Sample of walling and roofing materials to be submitted.
4. Construction of stonework shall not be commenced until a sample panel of the stonework to be used has been approved in writing by the Local Planning Authority.
5. Areas used by vehicles to be laid out, surfaced and drained.
6. Existing trees on site shall be protected during the construction period.
7. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.
8. Hard and soft landscaping works shall be carried out in accordance with the approved details.
9. If, within a period of five years any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes, seriously damaged or defective another

tree or plant of the same species and size as that originally planted shall be planted at the same place.

10. Prior to the commencement of any development, a qualified Arboriculturalist should be employed throughout the construction process to ensure the Arboricultural Method Statement is adhered to.

11. The Local Planning Authority Officer or Tree Officer to be notified of the intention to start works so that all relevant tree, vegetation and ground protection measures can be checked on site and if necessary amended.

12. Details of potential contaminants used within the building to be submitted.

13. Planning permission to be obtained before any extensions, garages, or windows (not shown on the approved plans) are erected or installed.

14. Development shall be carried out in accordance with the recommendations made in the Bat Survey Report by Quants Environmental Ltd dated February 2011.

15. Detailed drainage scheme for surface and foul drainage, including sustainable drainage methods for the site shall be submitted to and approved in writing by the local planning authority.

16. Retention of garage for parking.

Reasons for approval: This application has been considered in accordance with the requirements of the RSS and UDPR 2006 and policy guidance within the National Planning Policy Framework and it is considered that the proposal will provide a good quality residential scheme. The proposal offers an acceptable level of amenity to future occupiers and will have no detrimental impact on the amenity of other nearby occupiers or to the visual amenity of the Conservation Area. The application is considered to comply with policies GP5, N12, N13, N18, N19, N23, BD5, LD1, as well as guidance contained within Linton Conservation Area Appraisal and Management Plan and with the Linton Village Design Statement and having regard to all other material considerations, as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 This application was discussed at the previous Plans Panel meeting on 6th September 2012. The main issue which emerged from the discussion related to the submitted plans not fully showing the proposed dwelling. In the absence of adequate plans, the Panel resolved to defer the application to enable plans to be produced showing the proposed extension in relation to the whole house and the wider plot. Panel also requested a site visit to enable Members to see the footprint of the dwelling plotted out on the site.

1.2 The applicant has provided plans showing the details requested and has agreed to mark out the footprint of the dwelling on the site.

2.0 PROPOSAL:

2.1 In October 2010 Government issued new planning procedures under a document entitled Greater Flexibility for Planning Permissions. One of these procedures included the provision to apply for a minor material amendment to modify or change existing approved plans through an application process.

2.2 This application relates to a Reserved Matters approval for the construction of three detached dwellings within this garden site 11/00343/RM. This application is seeking to vary Condition 1 of the application, which relates to the proposal being constructed in accordance with the approved plans. The variation proposed is to enable material alterations to be made to the plans. The proposal is to construct a

two storey linked extension between the main dwelling and a detached double garage to plot 3. The original permission included a house with a triple garage.

2.3 Permission is sought for the variation of condition 1 of 11/00343/RM approved on the 20th June 2011. The condition relates to the proposal being constructed in accordance with the approved plans. The variation of this condition is proposed to enable material changes to the design of dwelling on Plot 3.

2.4 The application proposes to construct a two storey linked extension in between the front elevation of the dwelling and the previously detached garage. To provide additional space for this amendment, the approved triple detached garage will be scaled down to a double garage. The structure will measure 10.5m in length, 7m in depth and 6.2m in height. The extension will accommodate a swimming pool at ground level with a gym and changing room in the roof space.

3.0 SITE AND SURROUNDINGS:

3.1 Little Acres is a large residential plot located within the Linton Conservation Area. The site has a low beech hedge to the road frontage and the land then slopes steeply upwards to the house so that only the top portions of the house are actually visible. The existing access point is shared with the neighbouring property Grey Gables, and the drive forks off and then snakes up the hill, utilising a series of stone retaining walls, in front of which is soft landscaping which hides the driveway effectively. There are a number of mature trees to the side and rear boundaries, as well as a line of trees across the site. Gardens surround the house to all sides. The site has extant planning permission to construct three new dwellings on the site, and to carry out extensions to the existing dwelling.

4.0 RELEVANT PLANNING HISTORY:

4.1 Outline permission for 3 detached houses was originally granted in 1984 (H31/249/83/), this permission was subsequently renewed in 1987, 1990, 1993, 1996, 1999, 2002 and 2005. In 2008 a fresh outline application was submitted for 3 detached dwelling houses on the site and was approved in 2008 (08/02240/OT).

4.2 Reserved Matters application for the access was approved in 2010 (10/01891/RM) and the appearance, landscaping, layout and scale of the dwellings were approved in 2011 (11/00343/RM)

4.3 In 2011 permission was granted to increase the scale of the dwelling on Plot 4 (11/03316/FU), and in 2012 minor material amendment to the proposed garage on Plot1 was approved via a Section 73 application to vary the condition relating to the development being constructed in accordance with the approved plans (12/00199/FU).

4.4 Various demolitions works and extensions to the existing dwelling on the site have been approved under the following applications;

- 11/00340/CA- Conservation Area Application for partial demolition of front entrance, gables and canopy to rear, bay window to side.
- 11/00341/FU- Two storey and single storey extensions to front, side and rear
- 12/01466/FU- Detached double garage to front; conversion of existing detached double garage to habitable room with link extension to main house.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Following the September Plans Panel, discussions were held with the Agent to discuss the Panel's request for additional plans and site visit.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site Notice posted 13th July 2012 as affecting the character of a Conservation Area. The application was also advertised in the Boston Spa and Wetherby News 02nd August 2012 as affecting the character of a Conservation Area. Neighbour Notification Letters were posted on 13th June 2012. The publicity expiry date is 23rd August 2012. To date, no representations have been received.

- 6.2 **Ward Members:** Councillor Rachael Procter objects to the application on the grounds that the alterations proposed represents a significant increase in the scale of the proposed dwelling on Plot 4 from that originally approval under the 2008 outline application.

7.0 CONSULTATIONS RESPONSES:

- 7.1 None.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS), the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and Supplementary documents. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application. The Local Development Framework will eventually replace the Leeds UDP (2006) but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

- 8.2 The following Leeds UDP policies are relevant to the consideration of the application.

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

Policy BD6 – refers scale, form and detailing

Policy H4 - refers to housing on other sites not identified in the UDP.

Policy N12 - refers to urban design

Policy N13 - refers to the design of buildings having regard to the character and appearance of their surroundings

Policy N19 – states that all new buildings or extensions in Conservation Area should preserve or enhance the character or appearance of the area.

Policy BD5 – refers to amenity issues.

Policy BD6 – refers to extensions and alterations.

Policy LD1 – refers to landscape provisions

- 8.3 Supplementary Planning Documents: Neighbourhoods for Living: A guide for residential design in Leeds (Dec 2003)

- 8.4 Linton Conservation Area Appraisal and Management Plan – Feb 2010. Site is at the edge of the CA and the road here forms an important gateway into Linton. The

house itself is identified as a positive building and there should be a presumption in favour of the retention of positive structures.

8.5 Linton & Collingham Village Design Statement May 2010. Identifies that the site is within the Conservation Area but classes the site not as being within the central Linton character area, but in the Linton Lane character area where houses are typically large and stone built, set in large gardens.

8.6 National Guidance

From 27 March 2010 The National Planning Policy Framework (NPPF) took the place of the PPS's and PPG's and is now a material consideration when making planning decisions. The NPPF sets out the range of the Government's planning policies and sets out the requirements for the planning system but only to the extent that it is relevant, proportionate and necessary to do so. In particular there is an emphasis on decision making at a local level where communities and their accountable Councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of communities through up to date development plans to achieve the economic, environmental and social aspects of sustainable development.

- The economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

- The social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

- The environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

9.0 **MAIN ISSUES**

- Principle of development
- Impact of proposal on the character of the Conservation Area.
- Impact of proposal on residential amenity.
- Landscaping.
- Public representations

10.0 **APPRAISAL**

Principle of development

10.1 The principle of constructing 3 dwellings on this garden site was established through the granting of an outline approval in 2008. The appearance, layout, scale and landscaping was approved under a subsequent approval for reserved matters in 2011. The permission has been implemented, and all of three houses are presently under construction. In relation to plot 3, permission was granted for a two storey dwelling with a detached triple garage which provided a total floor area of 526.6m². In comparison, the proposed amended scheme now represents a floor area of 627.1m², an increase of approximately 19%. However, the size of the plot is large

measuring approximately 2086 m² and the scale of the proposed dwelling (in terms of its footprint, 349m²) will cover approximately 17% of the site. Therefore, it is considered that this additional development can be satisfactorily accommodated without causing any planning harm (please also see paragraphs 10.2 to 10.5 below). The principle of development is therefore considered to be acceptable.

Impact of proposal on the character of the Conservation Area.

- 10.2 This application seeks approval for the construction of a two storey linked extension between the front elevation of the dwelling on Plot 3 and the previously approved detached garage. The extension will accommodate a swimming pool and ground floor level and a gym in the roof-space.
- 10.3 Plot 3 is located to the south-western corner of the site, which is generally hidden from public view. The design change, in comparison with the original approval, is modest and is acceptable in terms of its scale and appearance. The proposed amendment will follow the contemporary design theme of the main building and will also now feature a linked double garage. The proposed amendment would be constructed from matching materials. The development represents a sympathetic addition and a suitable planning solution. The amendment will not have a adverse impact on the character of the Conservation Area.
- 10.4 Linton Village has a distinct rural feel with properties within this area of Linton being set in there own ground with adequate space in between. Although there is a variation in building type, buildings are generally two storeys in height, feature traditional pitched roofs with chimney's and are constructed using natural stone. Mature trees and vegetation are interspersed with properties.
- 10.5 In keeping with the character of this part of Linton Village, the dwelling proposed is large and it is set within a large plot. As a consequence the spatial setting of the dwelling would not be out of keeping with the establish residential character of the area. In addition existing trees will be retrained and so the dwelling will benefit from a mature garden setting. The proposed extension does not alter the spatial separation between the dwelling subject to this application and other dwellings within the application site. The dwelling will also feature a pitched roof with a chimney, will be no more then two storeys in height and will be constructed of stone. Therefore, it is considered that the proposed dwelling will respect the character of the Conservation Area.

Impact of proposal on residential amenity.

- 10.6 The dwellings of Muddy Lane namely Keldholme Heights and Tree Tops The Ridge (located beyond the western boundary) are the closest to the subject dwelling. It is considered that the 10m separation distance between the proposed link extension and the western boundary is adequate to ensure that the proposal will not unreasonably overshadow or appear over-dominant the dwellings on Muddy Lane. Furthermore, the trees and shrubs present along the boundary will screen the extension from the dwellings to the west.
- 10.7 Due to the separation distance that will be maintained between the subject dwelling and the neighbouring properties and the vegetation that is present along the boundary line, it is considered that the windows proposed will not detrimentally effect the privacy of the neighbouring dwellings.

Landscaping

- 10.8 A landscape scheme was agreed when the original permission was granted. It is considered that the amendment proposed to the approved dwelling will not prevent the agreed landscape scheme being implemented.

Public representations

- 10.9 Concern raised by Councillor R. Procter that the application results in a significant increase in the scale of the dwelling is noted. However, the extension is considered to be of a reasonable scale and height and will appear subordinate to the main building.

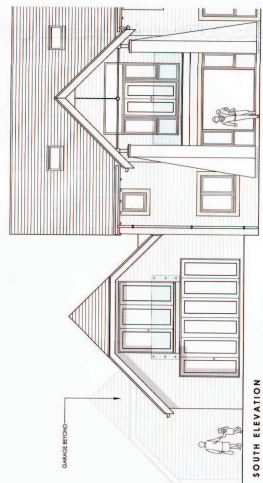
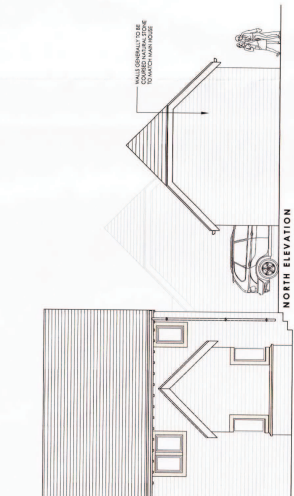
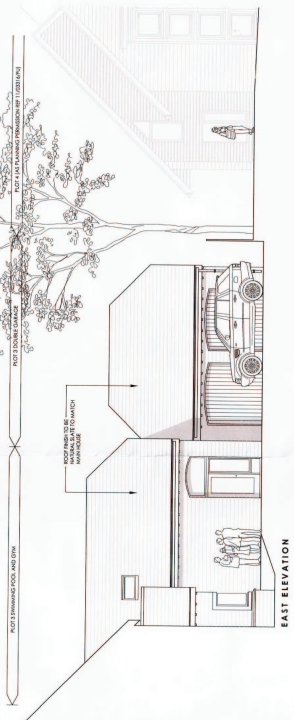
11.0 CONCLUSION

- 11.1 The application seeks to amend the dwelling on Plot 3 of the approved application 11/00343/RM. The amendment includes the addition of a link extension between the detached garage and the approved dwelling. The extension comprises of a swimming pool and gym in the roof space. The application is considered acceptable in planning terms as the amendments proposed will not have an adverse impact on the character of the Conservation Area, design of the building or on neighbouring residential amenity. Therefore, this application is recommended for approval.

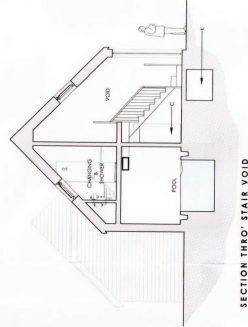
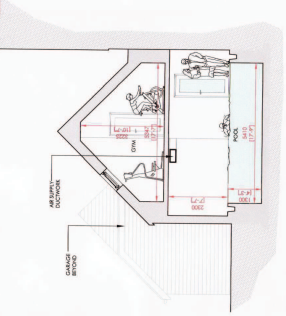
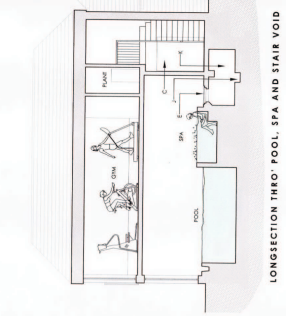
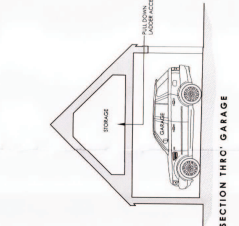
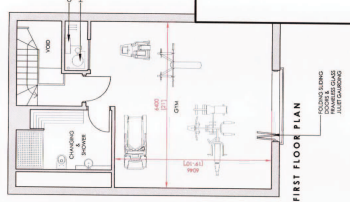
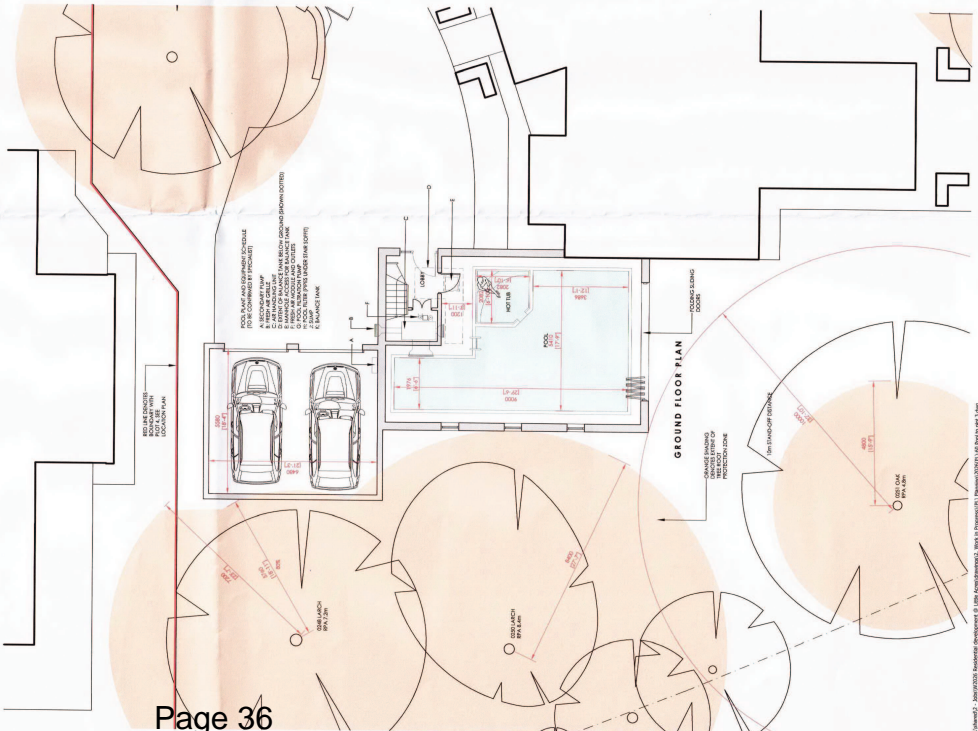
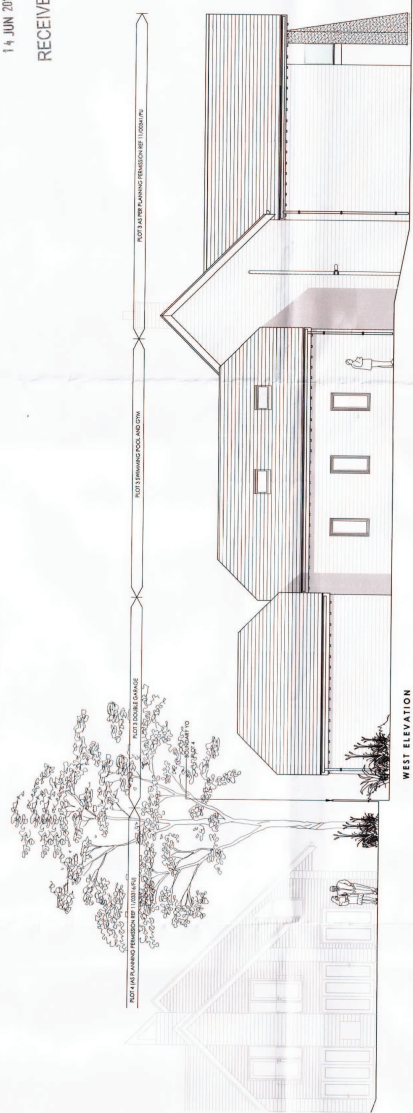
Background Papers:

Planning application file: 12/02838/FU

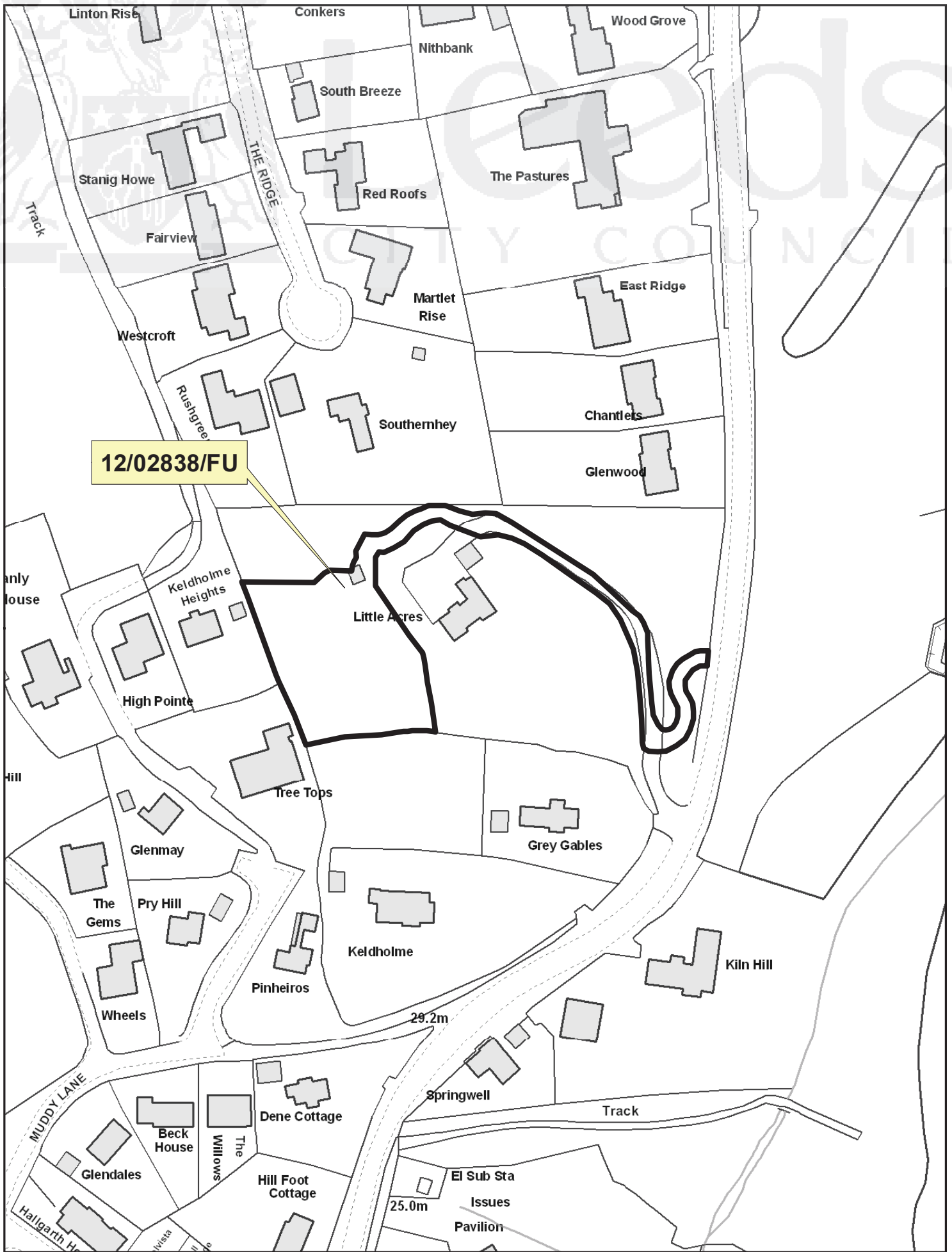
Certificate of Ownership: Signed by Agent Wildblood MacDonald



N.M.A.
14 JUN 2012
RECEIVED



WILDBLOOD MACDONALD
Chartered Architects
PROPOSED REDEVELOPMENT, LITTLE ACRES, LINTON, LEEDS
YORPARKS LTD
Plot 3 Swimming Pool
Date: 11/08/14
Scale: 1:100
Drawn by: [Name]
Checked by: [Name]
Date: 20/09/14
Project No: 2008(P)1.05
Client: [Name]
Project: [Name]
Address: [Name]
Tel: [Name]
Fax: [Name]
Email: [Name]



12/02838/FU

NORTH AND EAST PLANS PANEL



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Originator: Chris Marlow

Tel: 0113 22 24409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 4th October, 2012

Subject: Application 12/02562/FU – Change of use of first and second floor maisonette to 2 flats and front and rear dormer windows to 203 Harehills Lane, Leeds, LS8 3QH

APPLICANT

Mr K Mehmood

DATE VALID

13 July, 2012

TARGET DATE

3 August, 2012

Electoral Wards Affected:

Gipton & Harehills

Yes Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

REFUSE permission for the following reason:

1. The Local Planning Authority considers that the proposed dormer windows would by reason of their scale, siting and design when viewed in context with existing roofscape, represent alien and intrusive features resulting in visual detriment to the architectural integrity of the host property thereby being prejudicial to the interests of visual amenity and character of the site and wider setting. The proposal is therefore contrary to policies GP5 and BD6 of the Leeds Unitary Development Plan Review 2006 and the design guidance as contained within policy HDG1 of the Householder Design Guide.

1.0 INTRODUCTION:

- 1.1 This application is presented to Plans Panel at the request of Councillor Arif Hussain on grounds that the proposals are in keeping with a modern design outlook for the Harehills area.

2.0 PROPOSAL:

- 2.1 The application seeks approval to change the use of a 3 bedroom maisonette to the first and second floors into 2 one bedroom flats. The flat at first floor would comprise a living room, separate kitchen, bedroom and bathroom. The second floor flat would comprise of a living/kitchen area with a separate bathroom and bedroom. The proposal includes 2 flat roof dormer windows. The dimensions of the front dormer window are 3.5m wide, 2m in height sited 0.4m from the shared boundary with 205 Harehills Lane. The dimensions of the rear dormer window are 5m wide by 2.4m high, sited 0.3m from the shared boundary with 205 Harehills Lane.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is situated to the east side of Harehills Lane at the junction with Dorset Avenue and Dorset Street (to the rear). The site comprises a Victorian brick built two and a half storey property being the end of a terrace of nine similar properties. The ground floor of the site and remainder of the parade are in commercial use. The ground floor retail use has been recently extended. The first floor of the building facing Harehills Lane includes a feature window with stone cills and lintels which curves around the corner of the building. Immediately above the first floor window is a decorative carved stone pediment. The roof, which is finished in natural blue slate includes a small roof light. There are windows in the side gable elevation at first floor and within the roof space, all with stone cills and lintels. The property includes a two storey extension to the rear in matching materials which may have been built as part of the original building. In addition, the site has a small single storey flat roof extension in the rear yard of the site. There is a first floor rear window to the main part of the property and a another small roof light above.
- 3.2 The property has chimney stacks to the front and rear and such features are prevalent to the surrounding terraced houses to the east. The property abuts the public footpath to the side and rear elevations, to the front is a forecourt serving the site and the rest of the terrace and parade of shops. The majority of properties in the terrace still have their originally sentry-box style dormer windows to the front elevation, including those adjacent to the site at Nos. 205 and 207 Harehills Lane. Nevertheless, there are a number of examples of flat roof dormer windows in the area. The site is level, however the topography of the area slopes upwards to the east and downwards to the north. The site is in a popular area of Harehills off a busy vehicular thoroughfare. With the exception of retail frontages the area is pre-dominantly residential characterised by high density Victorian terraces.

4.0 RELEVANT PLANNING HISTORY:

- 34/347/05/FU – single storey side extension and new frontage with roller shutter. Permission Granted 12 December 2005.
- 34/137/00/FU – new shop frontage with roller shutters to shop. Permission Granted 31 August 2000.
- H34/175/86 – alterations and extension to form toilets to the rear. Permission Granted 14 July 1986.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application was submitted without any pre-application advice. The agent was advised during the course of the application of Officers concerns regarding harm to visual amenity, primarily concerning the siting and design of the proposed front

dormer window, and to a lesser extent of the scale of the rear dormer window. The Case Officer met with the agent and Councillor Hussain with a view to resolving matters. Officers did not support a dormer window to the front and requested a modest reduction to the rear dormer. The outcome of the meeting was that the scheme would not be altered and consequently, Officers were minded to recommend refusal under delegated powers. Councillor Hussain has therefore requested the application be referred to the Plans Panel for determination.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The public notification process was via notices displayed adjacent to the site dated 22nd June 2012. No letters of representation have been received in response to the public notification process.
- 6.2 Councillor Arif Hussain has commented and supports the application and also requests a Panel determination.

7.0 CONSULTATIONS RESPONSES:

Non-statutory:

- 7.1 Highways Development Services:
In view of the change from a 3 bedroom maisonette to 2 one bedroom flats Officers considered that it would be difficult to justify an objection on highway safety grounds, and recommended a condition for secure cycle/motorcycle parking provision.
- 7.2 Neighbourhoods and Housing:
No objection subject to the imposing of a condition relating to the provision of a sound insulation scheme to protect the amenity of the future occupants from noise transference from the shop units at ground floor level. In addition, the applicant is advised that the accommodation should meet the space standards contained in the Housing Act 2004.

8.0 PLANNING POLICIES:

- 8.1 The development plan includes the Regional Spatial Strategy to 2026 (RSS), the adopted Leeds Unitary Development Plan (Review 2006) (UDP) and Supplementary documents. The RSS was issued in May 2008 and includes a broad development strategy for the region, setting out regional priorities in terms of location and scale development. In view of the relatively small scale of this proposal, it is not considered that there are any particular policies which are relevant to the assessment of this application. The Local Development Framework will eventually replace the Leeds UDP (2006) but at the moment this is still undergoing production with the Core Strategy still being at the draft stage.

Policy GP5 requires development proposals to resolve detailed planning considerations including access, to avoid loss of amenity and maximise highway safety.

Policy BD6 requires alterations and extensions to be in keeping with the scale, form, detailing and materials of the host property.

- 8.2 Supplementary Planning Document
Householder Design Guide – policy HDG1 includes detailed guidance on the design and appropriateness of dormer windows.

8.3 National Policy and Guidance

National Planning Policy Framework (NPPF) includes provisions relating to promotion of sustainable (economic, social and environmental) development and securing high quality design.

9.0 MAIN ISSUES

1. Principle of development
2. Visual Amenity / Character

10.0 APPRAISAL

Principle of development

10.1 The proposed change of use from a three bedroom maisonette to 2 one bedroom flats represents a sub-division of the existing first and second floor residential accommodation. The existing first floor layout remains unaltered, with the two second floor bedrooms being converted into a separate one bedroom flat aided by the proposed front and rear dormer windows. It is considered that the change of use would have little impact in terms of the daily use of the building relating to comings and goings, and parking requirements. The upper floor nature of the existing residential accommodation and the lack of any meaningful amenity space also means it is not that attractive as a family house. The principle of development is therefore not objected to providing the external alterations meet the City Councils design considerations.

Visual Amenity and Character

10.2 In relation to the proposed dormer windows, Officers are guided by the recently adopted Householder Design Guide which includes an extensive detailed analysis regarding the use of dormer windows. Whilst the property includes commercial elements this is considered an appropriate tool to assess the suitability of the proposed development. The guide recommends that “windows and detailing of a dormer window should reflect the style and architecture of the original house.” It continues that,

“For dormers to be considered acceptable they should be designed to:

- remain subordinate to the main property by not being of a size and scale which dominates the existing roof;
- maintain and respect the features of the existing house;
- be designed in proportion to existing window (these should appear smaller than existing windows);
- maintain the appearance and symmetry of the house (also in relation to neighbouring properties) “

10.3 The site occupies a prominent corner location on a busy thoroughfare. The original design of the building is relatively unique in its front/side corner elevation being curved in shape, and featuring an attractive stone built decorative pediment at roof level. The scale of this feature results in a relatively short distance to the shared boundary with 205 Harehills Lane, whereas the remaining properties of the terrace were designed to accommodate a sentry box style dormer window.

10.4 The submitted drawing shows a flat roof dormer window set 0.6m above the eaves of the building, however the drawing lacks detail and fails to show the presence of the existing chimney stack on the shared boundary, or in context with the stone pediment

on the corner of the building. Officers consider that the proposed dormer window would abut the chimney stack and create a structure that dominates the existing roofscape, paying no regard to the existing architectural features of the building and resulting in a cramped and overdeveloped appearance to the detriment of its visual appearance and character of the terrace and wider setting. In so doing the proposed dormer window would fail to meet all the relevant criteria listed in the Councils Householder Design Guide.

- 10.5 Due to the design and limited space on the site frontage Officers considered that the site would still appear cramped even with a sentry box style dormer that reflects those in the remainder of the terrace. Whilst there are flat roof dormers within the terrace they are in the minority and the original features are considered to dominate the character of the terrace and the application site in particular.
- 10.6 With respect to the rear dormer, Officers are mindful that the rear elevation of the site is less prominent in the street scene and that there are more examples of flat roof dormer windows in the area. The proposed rear dormer window is therefore not objected to in principle.
- 10.7 Notwithstanding the above, again the submitted drawing does not take account of the position of the chimney stack in the proposed detailing and accordingly the overall size of the dormer is considered to be excessive. Officers would have been able to support the principle of a rear dormer if the siting achieved better separation from the shared boundary and was set further back from the eaves. However, the applicant has not amended the proposal and consequently the rear dormer window is also considered to dominate the roofscape and present a cramped and incongruous form of development which cannot be supported.

11.0 CONCLUSION

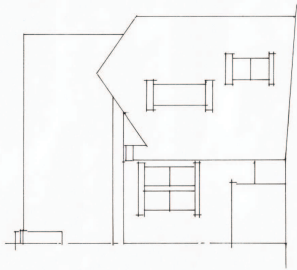
- 11.1 Officers consider the principle of the change of use to be acceptable but the design and size of the two dormer windows which would help facilitate the conversion works are in themselves unacceptable from a visual amenity perspective. The application is therefore recommended for refusal for the stated reason.

Background Papers:

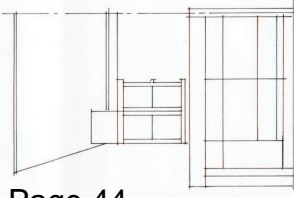
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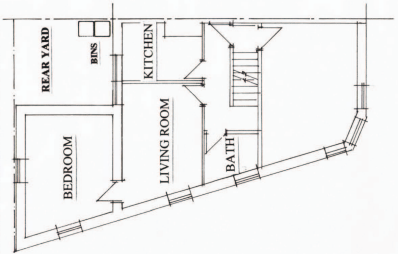
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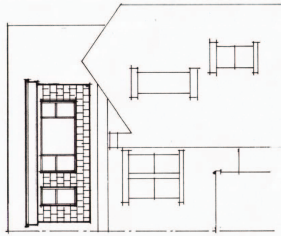
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FRONT ELEVATION



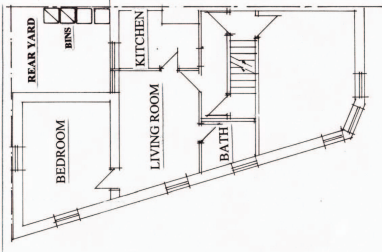
FIRST FLOOR PLAN EXISTING



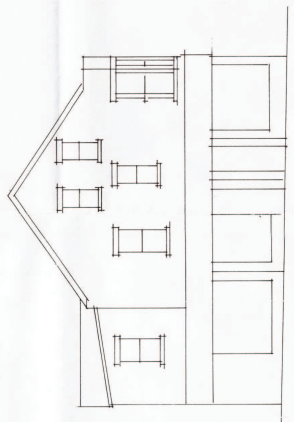
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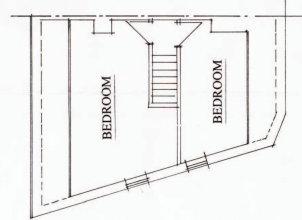
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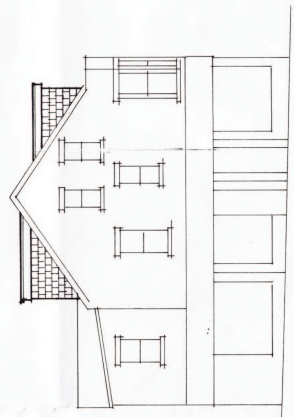
FIRST FLOOR PLAN PROPOSED



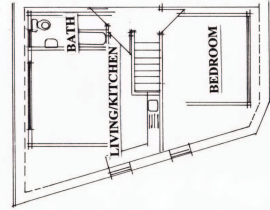
SIDE ELEVATION



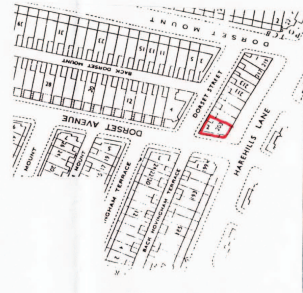
SECOND FLOOR PLAN



SIDE ELEVATION



SECOND FLOOR PLAN



Please note these drawings are for Planning and Building Regulation purposes only.

NOTE: The Designer is to check and verify all building and site dimensions, levels and sewer invert levels at connection points before work commences. All drawings must be read with and checked against any structural or other specialist drawings provided. All works to comply with British Standards, Codes of Practice, current Building Regulations and Building Inspector. All materials to comply with the relevant British Standards.

P.S. RIYAT & ASSOCIATES LTD
Architectural Designers and Planning Consultants
Broomfield House, 244, Broom Street, Leeds LS8 1BL
Tel: 0113 244 1344
E-Mail: psr@psrnet.com

Client:
MR K. MEHMOOD

Project:
CHANGE OF USE OF MAISONETT TO TWO FLATS AT 203 HAREHILLS LANE LEEDS LS8

Drawing:
EXISTING AND PROPOSED FLOOR PLANS, ELEVATIONS AND SECTION

Scale: 1:100
Date: APRIL 2012
Drawing No: 12/19/05

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12/02562/FU

NORTH AND EAST PLANS PANEL

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Originator: Gareth Jones
Tel: 0113 247 5646

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 4th October 2012

Subject: Application 11/05007/FU – Appeal by Mr M Hourigan against the refusal of planning permission for a detached garage to the rear at Old Village Hall, Village Road, Eccup, Leeds, LS16 8AS.

The appeal was dismissed.

<p>Electoral Wards Affected:</p> <p>Alwoodley</p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p>Specific Implications For:</p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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RECOMMENDATION:

Members are asked to note the following appeal decision.

1.0 THE APPEAL WAS DEALT WITH VIA THE HOUSEHOLDER APPEALS FASTRACK SYSTEM.

1.1 This application was reported to Plans Panel on 23rd February 2012, where Members accepted the officer recommendation to refuse the application on the grounds that the proposed garage would represent an inappropriate form of development within the Leeds Green Belt.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

2.1 The main issues identified by the Inspector were; whether the proposal was inappropriate development in the Green Belt; whether there would be any harm to the Green Belt and/or the Special Landscape Area; and if the proposal was considered inappropriate development were there very special circumstances that would outweigh the harm.

3.0 SUMMARY OF COMMENTS

- 3.1 The Inspector considered that even taking the applicant's calculations (disputed by the LPA) regarding the additional footprint of the garage that the proposal would represent a large addition and given that the main dwelling is single storey that the garage would appear more disproportionate than if the dwelling were two storey. The removal of previous structures was considered to be part of the previous granting of consent for the conversion to a dwelling and carried little weight in the assessment of this proposal. The Inspector therefore considered the proposal to represent a disproportionate addition to the original dwelling and consequently inappropriate development in the Green Belt.
- 3.2 The Inspector considered the garage to be large and bulky and located on a highly visible part of the site that would extend built development within the site greatly reducing openness. These factors were also considered moderately harmful to the general rural character of the area and consequently harmful to the visual amenity of the Green Belt and this Special Landscape Area.
- 3.3 The Inspector did not consider that any of the other arguments put forward by the appellant outweighed the harm caused to the Green Belt and Special Landscape Area nor did they represent very special circumstances.

Conclusion

- 3.4 The Inspector considered that the arguments put forward by the appellant did not outweigh the substantial harm arising from the inappropriateness of the proposal and its impact on openness and the moderate harm to the visual amenity of the Green Belt and the character of the Special Landscape Area. No very special circumstances were considered to exist.

4.0 DECISION

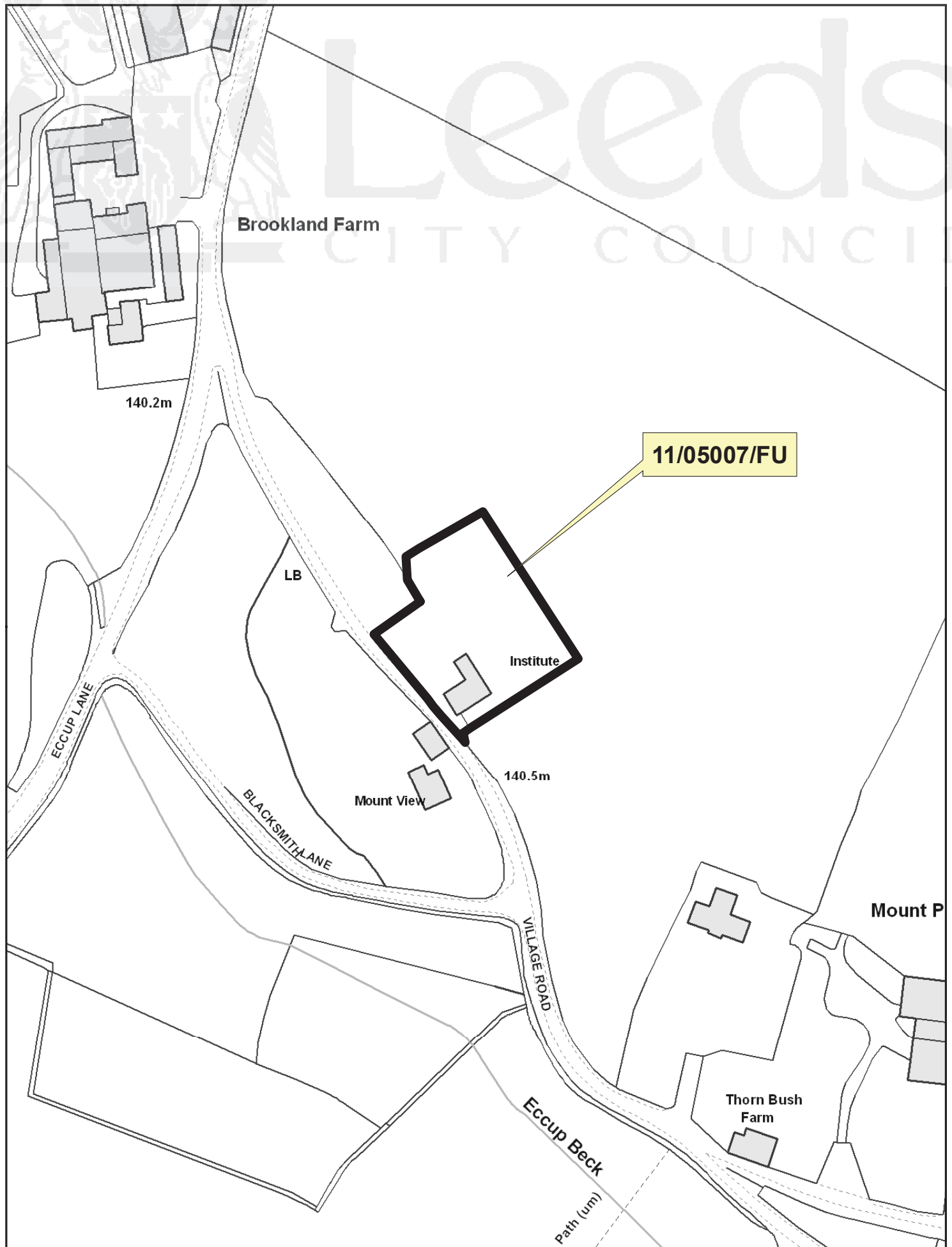
- 4.1 The appeal was dismissed by letter dated 26th July 2012 and no application for costs was made by either party.

5.0 IMPLICATIONS

- 5.1 The Inspector considered that the UDP policies (N33 and N37) relating to development in the Green Belt and Special Landscape Areas were broadly in conformity with the National Planning Policy Framework and as such they were given substantial weight in the decision making process.

Background Papers

Planning Application File
Inspector's Decision Letter



NORTH AND EAST PLANS PANEL