



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds on
Thursday, 9th April, 2015
at 1.30 pm

MEMBERSHIP

Councillors

R Grahame	B Cleasby	J Procter
M Harland		G Wilkinson
C Macniven		D Cohen
M Lyons		
R Charlwood (Chair)		
B Selby		
S McKenna		

**Agenda compiled by:
Angela Bloor
Governance Services
Civic Hall
Tel: 0113 24 74754**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 15.2 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 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)</p>	
2			<p>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</p> <p>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.</p> <p>2 To consider whether or not to accept the officers recommendation in respect of the above information.</p> <p>3 If so, to formally pass the following resolution:-</p> <p>RESOLVED – That the press and public be excluded from the meeting during consideration of 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>	

Item No	Ward	Item Not Open		Page No
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>	
4			<p>DECLARATIONS OF DISCLOSABLE PECUNIARY 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 13-16 of the Members' Code of Conduct.</p>	
5			<p>APOLOGIES FOR ABSENCE</p>	
6			<p>MINUTES</p> <p>To approve the minutes of the North and East Plans Panel meeting held on 12th March 2015</p> <p>(minutes attached)</p>	3 - 8
7	Harewood		<p>APPLICATION 14/05100/FU - 7 BRACKEN PARK, SCARCROFT, LEEDS</p> <p>To consider the attached report of the Chief Planning Officer regarding an application to raise roof height of main dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof plane and create living space in roof</p>	9 - 18
8	Alwoodley		<p>APPLICATION 16/00648/FU - 264 ALWOODLEY LANE, ALWOODLEY, LEEDS</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for the demolition of existing house and the erection of three storey block of two flats.</p>	19 - 36

Item No	Ward	Item Not Open		Page No
9	Wetherby		<p>APPLICATION 14/06051/FU & 14/06052/LI - CROWN HOTEL, 128 HIGH STREET, BOSTON SPA, WETHERBY</p> <p>To receive and consider the attached report of the Chief Planning Officer regarding an application for external and internal alterations, single storey extension and addition of new air conditioning and condenser units</p>	37 - 48
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>Thursday 28th May 2015 at 1.30pm</p>	

Third Party Recording

Recording of this meeting is allowed to enable those not present to see or hear the proceedings either as they take place (or later) and to enable the reporting of those proceedings. A copy of the recording protocol is available from the contacts named on the front of this agenda.

Use of Recordings by Third Parties– code of practice

- a) Any published recording should be accompanied by a statement of when and where the recording was made, the context of the discussion that took place, and a clear identification of the main speakers and their role or title.
- b) Those making recordings must not edit the recording in a way that could lead to misinterpretation or misrepresentation of the proceedings or comments made by attendees. In particular there should be no internal editing of published extracts; recordings may start at any point and end at any point but the material between those points must be complete.

To all Members of North and East
Plans Panel

Chief Executive's Department
Governance Services
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Leeds LS1 1UR

Contact: Angela M Bloor
Tel: 0113 247 4754
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Your reference:
Our reference: n&e pp site visits
Date 27 March 2015

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY, 9 APRIL 2015

Prior to the meeting of the North and East Plans Panel on Thursday 9, April 2015 the following site visits will take place:

10:15 am		Application 15/00648/FU – 264 Alwoodley Lane, Alwoodley, Leeds
10:50 am		Application 14/05100/FU – 7 Bracken Park, Scarcroft, Leeds
11:20 am		Application 14/06051 – Crown Hotel, 128 High Street, Boston Spa

For those Members requiring transport, a minibus will leave the Civic Hall at **9:55 a.m.**. Please notify David Newbury (Tel: 247 8056) if you wish to take advantage of this and meet in the Ante Chamber at **9:50 a.m.**

Yours sincerely

Angela M Bloor
Governance Officer

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NORTH AND EAST PLANS PANEL

THURSDAY, 12TH MARCH, 2015

PRESENT: Councillor R Charlwood in the Chair

Councillors R Grahame, M Harland,
C Macniven, J Procter, G Wilkinson,
M Lyons, B Cleasby, S McKenna, D Cohen
and E Nash

136 Chair's opening remarks

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

137 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests, however in respect of Application 15/00554 – proposals for a medical centre at King Lane LS17 - Councillor Cohen brought to the Panel's attention that he had publicly supported the scheme so would retire to the public gallery during consideration of this matter (minute 142 refers)

138 Apologies for Absence

Apologies for absence were received from Councillor Selby, with Councillor Nash substituting for him

139 Minutes

RESOLVED - That the minutes of the North and East Plans Panel meeting held on 5th February 2015 be approved

140 Matters arising

The Head of Planning Services reported that the Secretary of State's decision on an appeal against non-determination of a planning application for 400 dwellings on a PAS site at Bagley Lane Farsley had been received, with the appeal being dismissed. In reaching this decision Members were advised that it had been agreed that Leeds City Council did have a five year housing plan and had some scope for flexibility through having a 5% buffer. Other considerations had been the adverse impact of the proposals on the character and identity of the area

Draft minutes to be approved at the meeting
to be held on Thursday, 9th April, 2015

Members were informed this decision, which would be reported to each of the Plans Panels was welcomed and should give cause for house builders in the city to consider this very positive decision

The Panel welcomed the decision on this site and tribute was paid to the work of planning officers in defending the LPA's position on appeals and for producing persuasive evidence to put before Inspectors

141 Application 14/05100/FU - Raise roof height of main dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof place and create living space in roof - 7 Bracken Park Scarcroft

Plans, photographs and drawings were displayed at the meeting

Officers presented the report which sought approval to alterations and extensions to an existing residential dwelling at 7 Bracken Park, Scarcroft LS14

The main issues for consideration by Panel were outlined as being the design and character and the impact on the street scene. Members were informed that the proposal has been revised in consultation with Ward Members

In respect of the side extension, Officers were of the view this was acceptable; it was subservient to the main dwelling and was in keeping with the height of the neighbouring dwellings. In terms of impact of the proposals on the living conditions of neighbours, it was felt there were sufficient separation distances and that on balance, the proposals were not considered to be significantly harmful to the living conditions of the residents of no.9 Bracken Park

The Panel heard representations from an objector – the resident at 9 Bracken Park - who outlined his concerns about the proposals to the Panel, which included:

- concerns about overshadowing and loss of light
- that the proposals were overbearing, particularly the size of the rear extension
- the need for planning policy to be applied fairly

The Panel then heard representations from the applicant's agent who provided information which included:

- the extensive discussions which had taken place with Officers on the scheme
- that efforts had been made to address the objection from the resident of 9 Bracken Park
- that revisions had been made to the proposals to reduce its scale which was now considered to be appropriate and in keeping with the character of Bracken Park

The Panel discussed the application, with the main issues being raised relating to:

- overshadowing and whether sun path diagrams had been submitted in order to address the concerns which had been raised

- the lack of a site visit and that this would have proved useful in helping understand the issues under consideration
- the design of the side extension and that the deletion of this element could improve the overall appearance of the scheme
- issues of height, particularly when taking into account the sloping nature of the site
- the extent of the glazing to the rear. The Panel's Lead Officer advised that decision makers needed to approach the issue of design with care as planning policy advised that local authorities should not be prescriptive and should not attempt to impose architectural styles or tastes. In this case, there would be limited views of the glazing due to it being at the rear. This was disputed as due to the land level differences, the rear of the dwelling would be capable of being seen from Syke Lane and when internally lit, the dwelling would be highly visible
- that the applicant had done all required by Officers to revise the proposals to submit a scheme which was capable of being supported
- the protocol for requesting a site visit

The Panel considered how to proceed

RESOLVED - That determination of the application be deferred for one cycle to enable a Members site visit to be arranged to consider the issue of overshadowing and that the Chief Planning Officer be asked to submit a further report which included sun path diagrams to assess the impact of the proposals on the amenity of the neighbouring resident

142 Application 15/00554/FU - Full application for two storey medical centre with associated parking and pharmacy (A1) - Land at King Lane Moortown LS17

At this point, Councillor Cohen withdrew from the meeting and sat in the public gallery

Further to minute 115 of the North and East Plans Panel meeting held on 8th January 2015, where Panel received a pre-application presentation on proposals for a new medical centre with associated car parking and pharmacy, Members considered a further report of the Chief Planning Officer, setting out the formal application

By way of updates to the submitted report, the Panel was informed that colleagues in Contaminated Land Section had no objections to the proposals, subject to appropriate conditions being in place. In terms of greenspace, colleagues in Planning Policy had erroneously commented on the application. Members were informed there was a surplus of amenity space in the area but a lack of outdoor sports provision land, however the site would not be suitable for this use

On the issue of the provision of a footpath from the bus stop, if minded to approve the recommendation, this would be resolved as part of the delegated approval, in consultation with Ward Members. Additional

conditions were also proposed in respect of details of landscaping to be submitted and a scheme of lighting to be submitted

It was noted that Members had been largely supportive of the proposals at the pre-application stage and that further revisions to the scheme in terms of increased disabled car parking provision; access arrangements; design of the building; provision of acoustic screening; provision of trees had been made by the applicant. Members were informed that the proposals would not set a precedent and that the concerns raised about the provision of a flat roof to the building had been considered, it was felt not to be practical to put a pitched roof on the building and that there were examples of flat roofed buildings in the area

The Panel's Lead Officer referred to the recommendation and stated that reference should be made to Section 111 of the Local Government Act 1990

Members discussed the application and commented on the following matters:

- dispersal of surface water on the site in view of the amount of hardstanding being provided and the need for condition 12 to be worded to provide assurances that the development would not exacerbate flooding. The Panel's Lead Officer stated that the list of conditions set out in the submitted report were merely the headlines and that fully worded conditions would be drawn up. The Chair agreed that the wording in respect of this condition would be tightened to address the concerns raised
- highways safety and pedestrian access
- the public transport contribution and what this would be used for. A discussion took place on this, with the importance of involving Ward Members in the decisions taken about the use of public transport contributions being stressed
- the importance of selecting the appropriate tree species for the site and that in view of concerns raised about surface water, Weeping Willows represented a suitable choice as they soaked up water. The Chair supported this view and advised Officers this should be considered

RESOLVED - To defer and delegate approval to the Chief Planning Officer as set out in the recommendation within the submitted report, subject to including reference to Section 111 of the Local Government Act 1990; additional conditions relating to provision of landscaping details; submission of a lighting scheme; the provision of a footpath from the bus stop and the spending of the public transport contribution to be in consultation with Ward Members; the amendment of condition 12 to be worded to meet the full requirements of Flood Risk Management and for consideration to be given to the provision of Weeping Willows as the tree species to be provided on site

Following consideration of this matter, Councillor Cohen resumed his seat in the meeting

143 Application 13/03606/FU - Land and buildings adjacent to Devonshire Lodge Devonshire Avenue - Appeal decision

Further to minute 68 of the North and East Plans Panel meeting held on 25th September 2014, where Panel resolved not to accept the Officer's recommendation to approve a development for scheme of later living retirement housing accommodation, the Panel considered a report of the Chief Planning Officer setting out the Inspector's decision to the appeal lodged by the applicant

The Head of Planning Services presented the report and stated that although the Inspector had dismissed the appeal, he had made a full award of costs against the Council, however it was felt that the Council had good grounds to challenge this, with Members also being informed that the appellant had set out their intention to challenge the Inspector's decision to dismiss the appeal, by way of a Judicial Review

The Head of Planning Services provided further details about the decision to award costs against the Council, which related to affordable housing offer, which the appellants had altered at the appeal

The Panel discussed the report; the decision taken by Panel and the financial viability information which had been provided by a representative of the District Valuer, who had attended several of the Panel meetings. Reference was made to a representative of a commercial company who had advised City Plans Panel on viability issues on a recent case with the view being expressed that the information provided to City Plans Panel had been more concise and had been rooted in the commercial world, so making the information more useful to Panel Members. In noting these comments, the Head of Planning Services stated that engaging commercial experts to assess financial viability appraisals was more costly but this was something he would consider

Concerns were expressed about the Inspector's comments in relation to the supply of employment land with the view being expressed that all land should be annotated with its proper use

RESOLVED - To note the report and the comments now made

144 Date and Time of Next Meeting

Thursday 9th April 2015 at 1.30pm in the Civic Hall, Leeds

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Originator: A RUSTON

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th April 2015

Subject: 14/05100/FU - Raise roof height of main dwelling; two storey extension to front; two storey extension to side/rear; single storey extension to side; dormer windows to rear roof plane and create living space in roof at 7 Bracken Park, Scarcroft, Leeds. LS14 3HZ

APPLICANT

Mr and Mrs Khan

DATE VALID

27th August 2014

TARGET DATE

10th December 2014

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 on full permission;
2. Development carried out in accordance with approved plans
3. Materials to match the existing;
4. Pre-commencement Tree Survey required. Recommendations to be implemented;
5. Permitted development restriction – No windows to side elevations/roof plane of proposed extensions;
6. Pre-commencement condition requiring approval in writing of bat roosting provision to be made on the site.
7. Pre-commencement details of tree protection methods.
8. Retention of garage for parking.
9. Details of proposed and existing ground levels and finished floor levels to be submitted and agreed.

1.0 INTRODUCTION

- 1.1 This application was reported to the Plans Panel on 12th March 2015 where Members deferred consideration of the application in order for a Panel site visit to be carried out and the submission of information relating to daylighting and overshadowing assessments. This information has now been submitted and considered. It is not considered that the extent of over shadowing justifies the refusal of planning permission.
- 1.2 This application seeks permission to raise the roof height of the main dwelling to create a second floor, to erect a two storey side and rear extension, a single storey side extension and dormer windows to rear.
- 1.3 The application is brought to Panel at the request of a Ward Member, Councillor Rachael Procter who is concerned with the impact that the proposal will have on the character of the area.

2.0 SITE AND SURROUNDINGS

- 2.1 The application relates to a gable roofed, random coursed stone built rectilinear large detached residential dwelling of modest and simple form and style set down from the highway set back from the highway behind a low wall and a front garden dominated by a driveway with two access points off Bracken Park. The property is characterised by a chalet style form, thus rather than appearing as a two storey structure it has a single storey with living space and dormers in the roof. The property has a large garden to the rear with mature planting and trees and solid timber fencing and high hedge boundary treatment which is to be retained.
- 2.2 The property has a detached double garage set to the side of the main property and the tarmacked driveway allows at least two cars to be parked clear of the highway.
- 2.3 Bracken Park is located on a cul-de-sac of large residential dwellings of similar size, scale, form and style to the applicant property in a rural-fringe location within the envelope of the village of Scarcroft to the north east of the City of Leeds.

3.0 PROPOSAL

- 3.1 It is proposed to make alterations to the existing property by raising the height of the existing roof and create living space in the roof void. It is also proposed to erect a two storey front extension and two storey side extension and two storey and single storey side/rear extension.
- 3.2 It is proposed to raise the height of the roof of the application dwelling from approximately 7m tall to ridge and 3.3m tall to eaves to approximately 8m tall to ridge and 6m to eaves. The gabled roof form will be retained.
- 3.3 Proposals involve a two storey gable roofed transverse extension to the wall forming the front (south) elevation of the application dwelling. This will measure approximately 4.2m wide by 8m tall to ridge and 6.3m eaves measured from ground level.

- 3.4 The proposed two storey, gable roofed side extension will be to the east elevation and will measure approximately 7m wide by 15.2m deep by 7.5m tall to ridge and 5.4m tall to eaves. It will be set back behind the front elevation by approximately 0.8m and project beyond the wall forming the rear elevation by approximately 7.2m including the chimney stack
- 3.5 The proposed single storey side mono-pitched roofed extension will measure approximately 3m wide by 8m deep by 4.4m tall to ridge and 2.8m tall to eaves measured from ground level. It will be set back from the front elevation of the proposed two storey side extension by approximately 3.3m. It will also be set 2.2m at its nearest point away from the side boundary with no. 9 Bracken Park, and 3.0m away at its furthest point.
- 3.6 It is proposed to create a living space into the roof space of the main part of the application property with three flat roofed box dormers to the rear (north) roof plane. Each dormer will measure approximately 2m wide by 1.7m deep by 1.2m tall.

4.0 RELEVANT PLANNING HISTORY

Application number:	14/02450/FU
Proposal:	Alterations including three storey, two storey and single storey front/side/rear extensions; dormer windows to front/rear and balconies to side/rear
Status:	Withdrawn

5.0 HISTORY OF NEGOTIATIONS

- 5.1 No pre-application discussions per se have been. However, this application is a re-submission of an earlier application for a similar proposal that was withdrawn.
- 5.2 Revised plans have been submitted in light of officer concerns and following consultation with the ward member, Rachael Procter.
- 5.3 The original submission proposed a significantly longer side extension and taller roof height. The initial plans also proposed a balcony sited on the rear elevation, now removed and replaced with a Juliet balcony.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The initial application was advertised by neighbour notification letters sent on 3rd September 2014.
- 6.2 The publicity period for the application expired on the 28th September 2014 and 22nd December 2014 following submission of revised plans. To date one objector from no. 9 Bracken Park has made comments. Concerns expressed are in relation to the initial plans:
- Inaccuracy of the plans.
 - The proximity of the proposal to the boundary and closure of the gap between properties
 - Over-dominance.

- Overshadowing.
- Scale and massing of rear extension.
- Contrary to the Council's House Holder Design Guide.

6.3 Revised plans were received on 13th January 2015 and consultation letters sent out on 14th January 2015 with an expiry date of 24th January 2015 for responses. The neighbour at no. 9 Bracken Park has re-iterated their previous objections.

6.4 Further plans were received on the 21st January 2015, 30th January 2015 and 12th February 2015. As these reduced the scale and mass of the scheme consultation letters were not sent out.

6.5 Scarcroft Parish Council: Recommend that officers carry out a site visit to clarify issues raised by objector.

7.0 CONSULTATIONS RESPONSES

7.1 Sustainability-Nature Team: The applicants, on advice from the Nature Officer, have provided a Bat Emergence Survey. This has been reviewed by the Nature Officer who concludes that the report is satisfactory and advises that should planning permission be approved a condition be attached that requires the provision of bat roosting features.

Landscape: Note that the proposal does not appear to be in conflict with any trees but advise a condition requiring trees to be protected during construction works.

8.0 PLANNING POLICIES

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies of the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), as well as relevant SPGs and SPDs.

Local Planning Policy

8.2 Relevant saved UDP policies include:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6: Seeks to ensure extensions respect the scale and form of the existing dwelling.

Local Development Framework - Core Strategy

8.3 Policy P10 requires a high standard of design.

Supplementary Planning Guidance/Documents

8.4 Leeds City Council Householder Design Guide was adopted on 1st April and carries significant weight.

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

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

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

National Planning Policy

8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF requires places an importance on achieving good design.

9.0 MAIN ISSUES

- 1) Design and Character
- 2) Neighbour Amenity
- 3) Highway Safety
- 4) Consideration of Objections

10.0 APPRAISAL

Design and Character

10.1 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Leeds Unitary Development Plan Policy GP5 states that "development proposals should seek to resolve detailed planning considerations including design" and should seek to avoid "loss of amenity". These policies are elucidated and expanded within the Householder Design Guide.

10.2 The existing property is as noted a large residential dwelling of modest and simple style and form and the proposal will increase the width, height and depth of the property.

10.3 The application property is set in a depression and is thus lower than the surrounding street scene. The rise in roof height within this context does not significantly impact on the wider street scene.

10.4 The extensions which are proposed adequately complement the existing dwelling. They have a simple shape and form and their size and scale reflect the pattern and scale of surrounding development. As such, subject to a condition to match the

materials of the existing house, no harm is anticipated to the dwelling or the wider street scene.

- 10.5 In terms of size and scale, the proposed application property will be similar to other properties in Bracken Park and whilst the proposal represents a significant change to the application property the size and scale is in keeping with neighbouring properties in Bracken Park.
- 10.6 There has been some concern expressed in relation to the reduction of the gap between the application property and 9 Bracken Park. The proposal will result in a gap of approximately 3m between the proposed single storey side (east) extension and the single storey garage at 9 Bracken Park and approximately 8m between the proposed single storey side (east) extension and the main dwelling at 9 Bracken Park.
- 10.7 In terms of the gap and the effect of the proposed two storey side (east) extension on the gap, it will result in a gap of approximately 6m between the proposed side (east) elevation and the single storey garage at 9 Bracken Park and 11.5m from the side to the main dwelling at 9 Bracken Park.
- 10.8 Whilst the gap will be reduced, there will still be a clear visible gap when read from the street and as such it is considered that the proposal will not significantly harm the character and nature of the application property, 9 Bracken Park or the wider street scene.

Neighbour Amenity

- 10.9 Policy GP5 (UDPR) notes that extensions should protect amenity and this advice expanded further in policy HDG2 which notes that “all development proposals should protect the amenity of neighbours. Proposals which harm the existing residential amenity of neighbours through excessive overshadowing, overdominance of overlooking with be strongly resisted”.

Overshadowing:

- 10.10 In respect of overshadowing the potential greatest impact is on 9 Bracken Park. This is a two storey house of similar size and scale to the applicant property. Under the proposed scheme the main dwelling would be separated from the application property by a gap and its own a single storey attached garage.
- 10.11 The applicant property is set lower than 9 Bracken Park and the proposed two storey side (east) and rear (north) extension have been stepped down relative to the applicant property. The ridge height of the main dwelling as proposed will be slightly taller than 9 Bracken Park and the proposed two storey side extension will be slightly lower than the main dwelling at 9 Bracken Park. In terms of the track of the sun in relation to the proposed side (east) extension, it is considered that overshadowing will not be to a significantly greater degree than in relation to the existing.
- 10.12 In respect of the proposed two storey rear (north) extension, it is likely that this will cause some overshadowing during the afternoon. However, the garage of 9 Bracken Park is located to the side (west) and it will be that area to the rear of the garage that will be most affected by the proposal. It is noted that 9 Bracken Park has a large garden with a significant amount of private amenity space that will not be affected by the proposal and given the distance from the main dwelling at 9

Bracken Park and proposed two storey rear (north) extension, approximately 11.6m, overshadowing is not considered to have such a significantly harmful impact that it would justify a refusal. The recently submitted shadowing diagrams support these conclusions.

Overdominance:

- 10.13 In light of the degree of separation (11m to the main house) and scale of the extensions it is not considered that the resultant house would dominate 9 Bracken Park that it would justify a refusal.

Overlooking:

- 10.14 5 Bracken Park is the adjacent property set approximately 19m to the side (west) of the application property.
- 10.15 It is proposed to install windows at ground and first floor level into the side (west) elevation of the proposed two storey rear (north) extension. These windows will be approximately 24m from the common boundary with 5 Bracken Park and 37m from the main dwelling at 5 Bracken Park. As such they exceed the distances advised in the HDG and are not uncommon within residential contexts. Accordingly, overlooking is not considered to be significantly harmful enough to justify refusal.
- 10.16 Other proposed windows will allow views toward the front (south) and over the highway and rear (north) and over open countryside. There will be no windows located in the side (east) elevation and thus no overlooking toward 9 Bracken Park.

Highway Safety

- 10.17 Leeds Unitary Development Plan Policy GP5 states that “development proposals should seek to resolve detailed planning considerations including highway safety”. In order to be considered acceptable in respect of highway safety development proposals must not prevent two cars parking within the curtilage of a dwelling.
- 10.18 The works which are proposed remove the existing garage and replace it with a new garage as part of the proposed two storey side extension. This measures approximately 6.4m wide by 5.8m deep. This falls marginally short of the size advised in the HDG to be considered as a parking space for two cars (3m wide x 6m long per car). However, this standard is aimed towards more dense housing developments which do not comprise any other storage facilities. In this instance, the garage is large enough for 2 vehicles while the house and garden is large enough to cater for the storage needs of the occupants of the dwelling. There is also additional parking provision within the site frontage. As such the application is considered acceptable in this regard.

Consideration of Objections

- 10.19 The concerns and issues raised by the neighbour at no. 9 Bracken Park have been addressed above.

11.0 CONCLUSION

- 11.1 The application is considered to be acceptable. The proposal would not harm the design and character of the applicant dwelling or Bracken Park nor harmfully

impact on neighbour amenity or highway safety. As such, the application is compliant with the relevant policies and guidance.

Background Papers:

Application file: 14/05100/FU

Certificate of ownership: Certificate A signed

REV.	DATE	REVISION	BY	RVA
A	19.02.14	Plans amended to client's requirements	FM	DMC
B	08.04.14	Floor Plan Amendments	FM	DMC
C	17.04.14	General floor plan changes, amended as per	AE	DMC
D	06.05.14	General amendments - client meeting	AE	DMC
E	13.05.14	Demolition lines added	AE	DMC
F	02.06.14	Footprint amended	AE	DMC
G	16.07.14	Roof amended	AE	DMC
H	21.08.14	Floor Plan & Site Amended	FM	DMC
I	23.11.14	Topo Survey Added	AE	DMC
J	13.12.14	Footprint Amended	AE	DMC
K	19.02.14	Porch amended	AE	DMC
L	13.02.15	Gate Wall Works - Planning Amendments	AE	DMC
M	21.01.15	Porch Size updated	AE	DMC

LEEDS CITY COUNCIL
21 JAN 2015
REVISED



KEY

--- Site Boundary

studio MAP
Architecture and Project Management

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CLIENT
Mr & Mrs Z Khan

PROJECT
7 Bracken Park
Scarcroft
Leeds

TITLE
Proposed Site Plan

STATUS
Preliminary

DATE
Feb. '14

SCALE
1:200 @ A1

DRAWN BY
AS

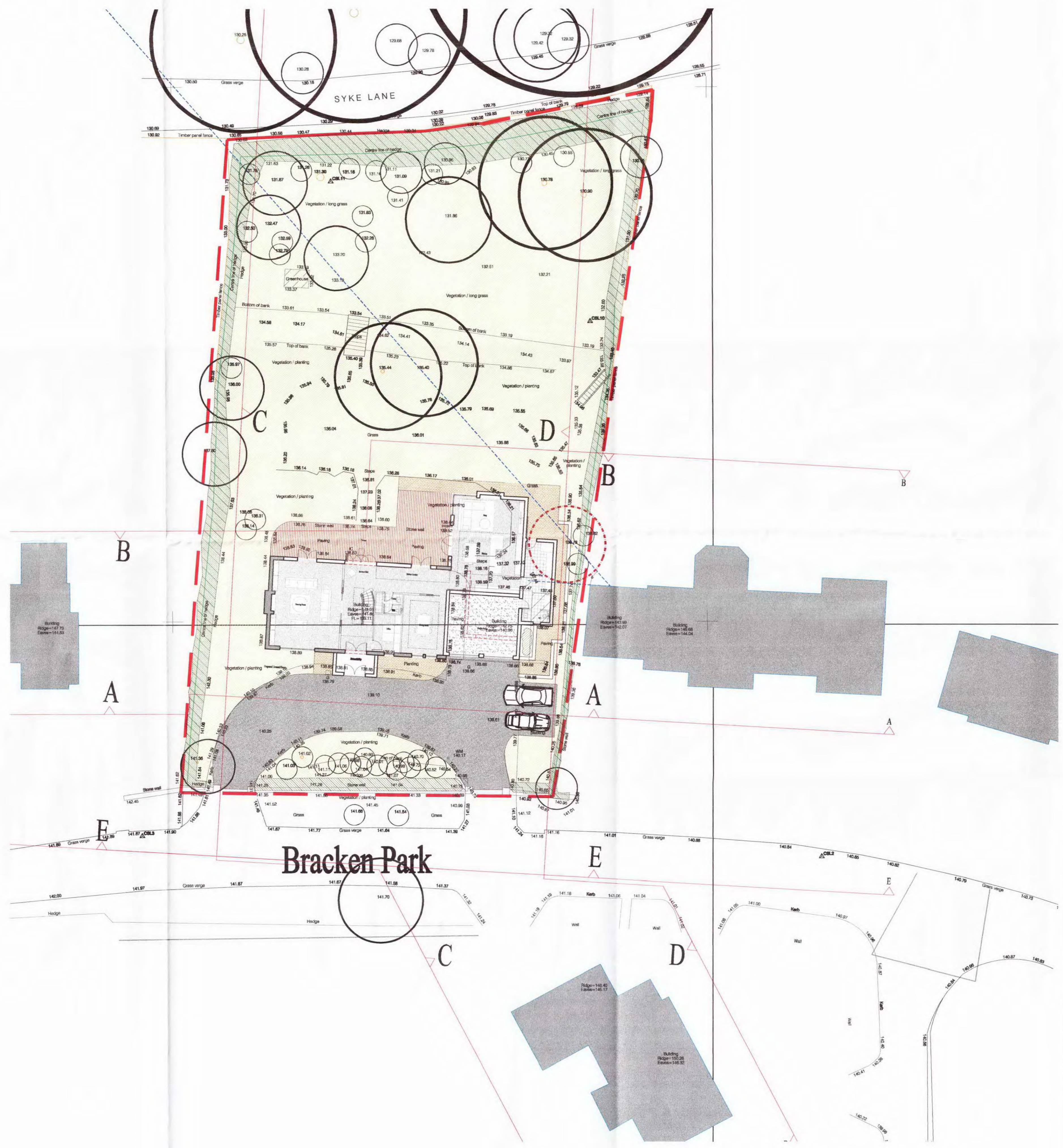
REVIEWED BY
DMC

DRAWING NUMBER
2013 75 20 M

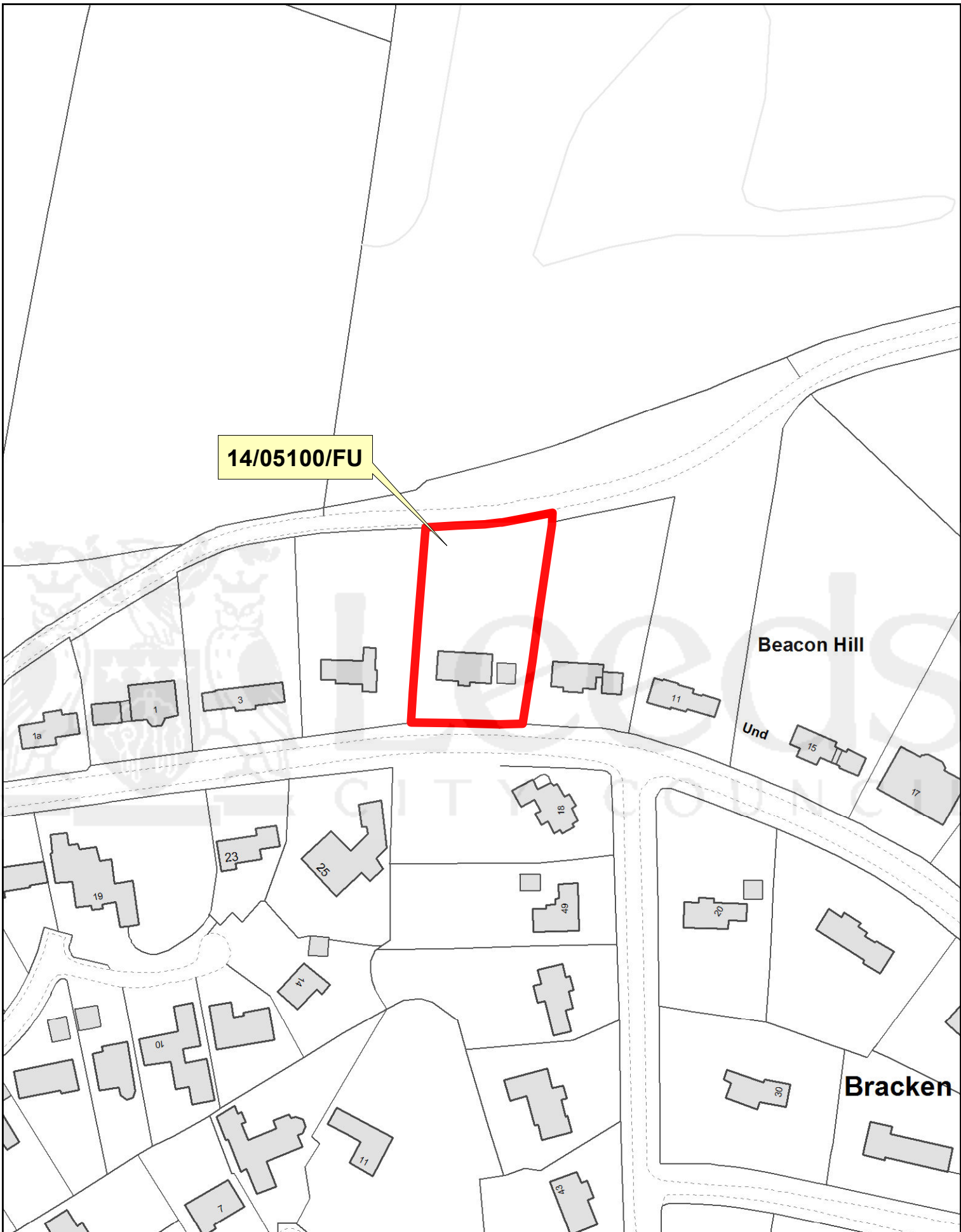
CAD DETAILS
REFS:
DATE: Issue Site

Proposed Materials Key

- Lawn
- Bridge
- Path Block
- Slate Roof
- Floor Tiles
- Path Herring Bone



Proposed Site Plan



14/05100/FU

Beacon Hill

Und

Bracken

NORTH AND EAST PLANS PANEL





Originator: A Casey

Tel: 0113 247 8059

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9 April 2015

Subject: 15/00648/FU – Demolition of existing house and the erection of three storey block of two flats at, 264 Alwoodley Lane, Alwoodley, Leeds, LS17 7DH

APPLICANT	DATE VALID	TARGET DATE
Oak Developments	30 January 2015	27 March 2015

<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: GRANT PERMISSION subject to the following conditions:

1. Time limit on full permission;
2. Development carried out in accordance with approved plans
3. Samples of the external building and surfacing materials to be submitted.
4. Submission of arboricultural method statement to ensure ground disturbance is minimised and a methodology of works
5. Landscape scheme to be implemented and retained
6. Tree protection to the western boundary
7. Boundary treatments
8. Laying out of areas to be used by vehicles.
9. Maximum Access Gradient (1 in 8)
10. Maximum Driveway Gradient (1 in 8)
11. Cycle/motorcycle parking
12. Construction details of the footpath crossing
13. Submission of a feasibility study into use of infiltration drainage.
14. Submission of a scheme dealing with surface water
15. Opaque glazing to the side elevation windows
16. Details of all balustrades
17. No development shall take place until details of any installation and/or erection of

any extract ventilation system, flue pipes, or other excrescences proposed to be located on the roof or sides of the building, including details of their siting, design and external appearance have been submitted to and approved in writing by the Local Planning Authority.

19. Works management plan
20. Restrictions to working times
21. Unless otherwise agreed in writing by the Local Planning Authority all mechanical plant shall be located within the building.

1.0 INTRODUCTION

- 1.1 This application seeks permission to demolish the existing dwelling that occupies the site and to construct a three storey block of two flats. This application responds to recent appeal decisions regarding scale and design as well the principle of apartments within this location and take greater reference in terms of the scale from a planning permission for a replacement five bedroom dwelling on this site (please see the planning history). There has, over the period of the numerous applications on this site to development apartments, been community and political interest in avoiding apartment development on Alwoodley Lane and the representations received against this application suggest that there is no change in feeling from those interested parties.
- 1.2 The application is brought to Panel at the request of Councillor Peter Harrand to allow the principle of apartments in this location, the traffic levels and highway safety to be considered by Members.
- 1.3 In 2009 planning permission was granted on this site for a the demolition of the existing dwelling on site and the construction of a 5 bedroom detached house. In light of the previously refused planning applications, and subsequent appeals that were dismissed the applicant has now sought to look at the approved 2009 dwelling and to present a scheme with dimensions that reflect it to achieve a development that has a domestic scale that responds to the immediate context.
- 1.4 Proposed approximate dimensions:
Width – 17.5m
Depth – 14.6m for the main body of the building with 6.3m at the basement level at the rear for a single storey element and a fully glazed cubic element.
Eaves – 5.6m to the front elevation and 8.5m at the rear (including the basement level)
Ridge – 9.4m to the front elevation and 12.4m to the rear.

Approximate dimensions of the approved re-placement house:
Width – 18.2m
Depth – 15.0m for the main body of the building with 6.0m at the basement/lower ground level.
Eaves – 5.1m to the front elevation and 7.3m at the rear (including the basement/lower ground level)
Ridge – 8.7m to the front elevation and 10.7m to the rear.

2.0 PROPOSAL

- 2.1 The proposed three storey block of apartments (with accommodation within the roof-space) would comprise of two apartments as well as the excavation of parts of the site to provide a basement car park, and various changes to the levels within the site to extend and realign the access drive leading to the basement area, and to provide access routes around the building. At basement level and ground floor would be apartment No.1. This apartment would have a living and dining area at basement level with access into the rear garden area. At ground floor the accommodation comprises another living area, study and three bedrooms each with en-suites and access to a patio area from a bedroom. Apartment No.2 occupies the first and second floor (roof-space) and comprises living areas, study, kitchen and three bedrooms each with en-suite. A patio area is proposed at first floor with access gained from apartment No.2's lounge and dining area. The parking and servicing area (bins/lift/store and staircase) would be at basement level and can be accessed via the lobby.
- 2.2 The building would be set approximately 10.0m into the site from Alwoodley Lane and have a ground level at the front some 2.8m lower than Alwoodley Lane. The front of the proposed building would be well back from the sites frontage, thereby being set further back than No.262 and forward of No, 266 Alwoodley Lane. The proposed apartment block would be constructed of brick and stone under a slate tiled roof. The hipped roof would have two gable features to the front. The rear elevation is dominated by extensive use of glazing including full height windows/patio doors, balconies and glazed balustrades. To the upper floors are gables that have full height glazing that is recessed centrally.
- 2.3 The vehicular entrance into the site from Alwoodley Lane would remain in its existing position and the access drive would continue to slope downhill alongside the front and western side elevations of the proposed building which would not change the existing situation. It is proposed to widen and realign the section to the front of the building to provide a pull-in area and allow the two-way passing of vehicles within the site. A new pedestrian access is proposed to the west of the existing site entrance.
- 2.4 As a result of the land levels and gradients within the site, apartment 1 (basement and ground floor) would actually be situated at a 'lower ground' level below the road to the front. A pedestrian entrance into the building would be accessed from the ground floor front elevation into an entrance lobby; both apartments can be accessed from the lobby.
- 2.5 The patio areas would provide the main private amenity space to the apartments but both would have access to a large communal garden area. A landscaping plan has been submitted as part of this application; this proposes additional tree planting in the rear garden and to the front of the site with other soft landscaping to the front and sides of the site.

3.0 SITE AND SURROUNDINGS

- 3.1 The application property is a two-storey detached house on the southern side of Alwoodley Lane in the suburb of Alwoodley, north Leeds. The house is of a brick construction, rendered to the rear elevation, with a tiled mansard roof and dormers to the upper floor, and is set back slightly from the road frontage. Access is via a

drive running gradually downhill along the front and side elevations of the property to a detached garage adjacent to the western boundary. The building is situated within an extensive plot, with a long rear garden sloping downhill from the rear of the building, towards the southern boundary between the site and the golf course to the rear.

- 3.2 The immediate area has a prevalence of substantial, detached residential buildings, spaciouly arranged in relatively large, mature gardens which is one of the key components in defining the character and appearance of the residential environment. Although a number of mature trees and much of the vegetation have now been removed from the application site, with the exception of a conifer hedge along the northern boundary, this is not representative of the surrounding area, where most properties retain their mature landscaped character. No. 262 to the west, has a landscaped rear garden including a number of mature trees and a conifer hedge which separates it from the application site.
- 3.3 Due to the steep gradients from Alwoodley Lane towards the north, down to the golf course to the south of the site, the application building, and its closest neighbours along this stretch of Alwoodley Lane, sit significantly below the level of the highway. Views of these properties are therefore confined to the upper floors and their roofs. This, together with the intermittent screening provided by the planting in the front gardens, has the effect of making these dwellings much less conspicuous in the views along the street than occurs elsewhere along Alwoodley Lane. This is a distinctive characteristic of this small stretch of Alwoodley Lane which distinguishes it from many of the other roads in the locality.

4.0 RELEVANT PLANNING HISTORY

- 4.1 Reference 13/05711/FU for the redevelopment of the site 3 storey block of 3 flats with basement car parking. This application was refused for the below reasons relating to its design, scale and massing of the building and overly dominant roof-form,

The refusal was subsequently appeal (Ref. APP/N4720/A/14/2222928) and was dismissed. The Inspector concluded that:

“The site lies within the built up area and to my mind there is no fundamental objection to the principle of a development of apartments on this site. Indeed the provision of apartments would provide greater choice for residents....”

“...the building would be harmful to the character of the area because of its of design, scale and massing...contrary to Policy GP5 of the Leeds Unitary Development Plan Review 2006 (UDP) which seeks to avoid problems of environmental intrusion and with Policy N12 which sets out the fundamental priorities for urban design and Policy N13 which requires that the design of all new buildings has regard to the character and appearance of their surroundings..”

- 4.2 Reference 12/02060/FU for redevelopment of the site with a three storey block of three flats, with basement car parking. This application was appealed for non-determination and at the appeal the LPA gave its reasons for refusal had it been in a position to determine the application permission would have been refused for reasons relating to its scale and design causing harm to the character of the area; that by

reason of its height and depth it would be over-dominant and result in a loss of privacy; and harm to trees.

This appeal was dismissed with the Inspector concluding that:

“I have found that the proposal would result in no unduly harmful effects on highway safety, or on the living conditions of nearby residents with regard to privacy, noise and disturbance. Whilst it would have a harmful long term effect on the adjacent hedge and trees, the amended scheme would be unlikely to do so. Nevertheless, the harm that would be caused to the character and appearance of the area, and to the living conditions of adjacent occupiers with regard to outlook, daylight and sunlight provide compelling grounds to dismiss the appeal”.

The Inspector for this appeal also noted that:

“The proposal is for a substantial block of 3 flats over three storeys with a basement car park, and although it differs from the previous scheme, it has been drawn up with the previous appeal decision in mind. I have considered the appellant’s photographs of other properties nearby, and was able to see at my visit that there are examples of developments of flats in Alwoodley Lane and the other streets nearby, including High Winds on Harrogate Road. I also note the concerns of local residents regarding the loss of a family home, but consider that flats (such as those proposed) could be occupied by families, and need not necessarily detract from the residential character of the area, depending on the nature of the scheme”.

- 4.3 A previous application for the redevelopment of the site with a larger block of 3 flats was withdrawn in September 2011 (ref: 11/02987/FU) following concerns regarding the size and scale of the building, the lack of amenity for future residents, the impact on neighbouring residents and the access arrangements. Following the withdrawal of this earlier application and before the submission of that to which the above appeal related, discussions were held with the agent regarding a revised scheme. Concerns regarding the scale and massing of the proposed building were reiterated, and suggestions as to how these might be overcome, including considerable reductions to the size of the building, were discussed. In the light of concerns regarding the impact of the proposed development on the street-scene and neighbouring properties, the agent was advised that any subsequent application would also need to be accompanied by a landscaping scheme, and by details of how they intended to ensure that existing landscaping and screening along the site boundaries would be retained as part of the proposals.
- 4.4 Planning permission was granted in May 2009 to replace the existing dwelling with a larger 5 bedroom detached house, following a previous permission for extensions to the existing building in July 2006 (refs: 09/00992/FU and 30/642/05/FU).
- 4.5 A number of previous refusals for the redevelopment of this site and the adjacent site of No.266 with larger proposed developments of six and eight flats, and an application to redevelop both sites resulting in eight flats in two blocks was refused in September 2007 on the grounds that the development’s siting, scale, massing and design, including its projection into the rear garden areas, would be out of character and detrimental to the street-scene, and that the access width and gradient were unacceptable (ref: 07/04971/FU). A subsequent appeal was submitted (APP/N4720/A/07/2059074) and, although highway safety matters were resolved during the course of this, it was nonetheless dismissed on the basis that

the proposed development would unacceptably harm the character and appearance of this part of Alwoodley Lane.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Pre-application discussions have taken place with Planning Officers, the applicant and his agents. Various amendments were suggested and a final scheme was discussed between all parties and the scheme before Members responds to those pre-application discussions. Officers also agreed the principle of the development given the continuous findings of previous Inspectors and confirmed that the refusal of the previous scheme and the subsequent appeal decision referred to design, scale and massing issues.

6.0 PUBLIC/LOCAL RESPONSE

- 6.1 The application has been advertised by site notice dated the 13 February 2015 and 36 neighbour notification letters were issued on 9 February 2015 and the Parish Council have also been notified on the 9 February 2015.
- 6.2 Councillors Peter Harrand and Neil Buckley have raised objections. Cllr Harrand's as highlighted in para.1.2 and Cllr Buckley's as set out below:

The increase in traffic would be considerably more than by a factor of 3, as this is a well known phenomenon when houses are replaced by flats.

Replacing 1 dwelling by 3 dwellings would create a massive precedent; it is a matter of known fact that other parties are waiting interestedly upon this final decision.

A 3-storey building would be out of scale with existing 2-storey family homes.

Parking on the road would inevitably occur, notwithstanding the limited allocation of parking bays. No doubt soon to be followed inevitably by yellow lines and so on.

The development of flats in place of houses on Harrogate Road is something of a red herring, as this road is the arterial A61, with all its attendant noise and clamour. Alwoodley Lane remains a road of substantial, attractive, but *family* homes.

Flats and apartments almost by definition attract more transient individuals, who would not normally aspire to embed themselves in local life.

Cllr Buckley has also raised the point that he is given to understand that several householders are waiting for the final decision – if in favour, they would immediately submit similar schemes, which, if then successful, would result in the spoiling of this residential road.

Alwoodley Parish Council have also objected:

The Parish Council has an emerging Neighbourhood Development Plan in which we will be stating our objections to the demolition of large houses to be replaced by flats in the Parish. Therefore we have a strong objection to any such application on Alwoodley Lane which has, so far, retained its position as one of Alwoodley's prestigious roads and we would not want to see it blighted by the changes which have been allowed to happen elsewhere in the Parish.

The supporting documents are misleading in that they relate to the previous application for this property (13/05711/FU/NE).

There is very little in the present application to distinguish this from previous refusals, especially the reasons given by the Inspector:

"The effect of the proposal on the character and appearance of the surrounding area, the effect of the proposal on the living conditions of the adjacent occupiers with particular reference to outlook, daylight and sunlight, privacy, the likely long term effect on the adjacent hedge and trees, and noise and disturbance; and the effect of the proposal and the proposed access arrangement on highway safety in Alwoodley Lane" (Appeal reference APP/N4720/A/13/2190751 - Elaine Worthington, Planning Inspector appointed by the Secretary of State for Communities and Local Government, 26 June 2013).

The present proposal for flats is in itself unacceptable because it replaces one dwelling with two.

This is a particularly important part of Leeds in terms of landscape and housing quality, there are actually very few flats in the Parish and this development is quite contrary to the general aspect of the neighbourhood. The development cites examples in the plans, but these blocks of flats are located in Harrogate Road which is a busy dual carriageway, rather than Alwoodley Lane which is a single carriageway.

We are convinced that this is a test application which, if granted, could lead to repetition.

Over the course of time the volume of traffic on Alwoodley Lane has increased considerably and therefore an application for a property to be used for multiple occupation will lead to an increase in the amount of traffic at this location.

The increasing bulk of the property does not fit with the neighbouring properties, in particular those adjacent to the proposed development.

We also adopt the reasons given by the Inspector for the previous refusal almost all of which clearly apply to this application.

In addition to the above objections a number of local residents (x20) have raised objections and there have been representations offering support (x4). These are summarised below:

Objections

The design, scale and massing are not compatible within the character and appearance of the area.

- The proposal is not of a domestic scale.
- Loss of a family home.
- Loss of the rear garden.
- Flats are not appropriate on Alwoodley Lane and would erode the character and appearance of the area.

- Flats would harm the existing community stability.
- The scheme will generate additional traffic.
- Highway safety matters.
- Sets a precedent for similar development on Alwoodley Lane (i.e. No.266).
- The development is profit driven.
- Loss of ambience.
- Loss of living conditions to adjacent neighbours.
- The proximity of the vehicular access to the under-croft parking would be harmful to the occupants of No.262 (i.e. exhaust fumes and noise and disturbance).
- The planting schedule is not in English.
- Drainage issues.
- In 2008 an Inspector ruled that flats were out of character.

Support

The proposal is of scale and design that is in keeping with the character and appearance of the area.

There is no difference between two apartments and a pair of semi-detached properties.

The principle of apartments has been agreed by an Inspector at previous appeals.

Happy for a desirable property adjacent to No.266

7.0 CONSULTATIONS RESPONSES:

7.1 Highways: No objections subject to conditions.

Mains Drainage: No objections subject to conditions.

8.0 PLANNING POLICIES:

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Local Planning Policy

8.2 The following Core Strategy policies are considered to be relevant:

Policy SP1: Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

Policy P10: Seeks to ensure that new development is well designed and respect its context.

Policy T2: Accessibility requirements and new development

The following saved UDP policies are also relevant:

Policy GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

Policy BD5: Seeks to ensure new development protects amenity.

Policy LD1: Seeks to ensure that development is adequately landscaped

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

Policy N25 – Refers to boundaries around sites

Policy T24 – Refers to parking

National Planning Policy(NPPF)

8.3 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system and promotes sustainable (economic, social and environmental) development. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

8.4 Section 6 – Creating a wide choice of homes and Section 7 – Requiring good design of the National Planning Policy Framework (NPPF) are relevant to the consideration of this application.

9.0 MAIN ISSUES

- 1) Principle of Development
- 2) Character and appearance
- 3) Residential amenity
- 4) Highway matters
- 5) Landscaping
- 6) Other matters
- 7) Conclusion

10.0 APPRAISAL

Principle of Development

10.1 Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Leeds Core Strategy (LCS) seeks to ensure that new development is concentrated in the main urban areas in order to ensure that shops, services and public transport are easily accessible. The application site is located within a wider established area of a residential settlement and is in current use as a residential site with one detached property occupying the site with associated off-street parking and gardens. The site is close to local facilities and as such is considered to be in a sustainable location. The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to residential development on land that has previously been developed in terms of the existing built structures and hard-standing areas; as such it can in part be regarded as Brownfield. The garden land is however classified as Greenfield (following changes made in June 2010).

10.2 Section 6 of the NPPF deals with the need of housing and para. 53 states that

LPA's should set out policies to resist inappropriate development of residential gardens, i.e. where development would cause harm to the local area. Thus, the emphasis on local character is still a paramount consideration when dealing with residential development on garden sites, as such the NPPF reflects the Council's approach in seeking to resist inappropriate development and placing emphasis on design and protecting the character of an area. It is however also important to note that each planning application must be judged on its own individual planning merits. In this instance it is considered that the principle of re-developing the site for further residential use is acceptable as the Brownfield land utilised would include the existing dwellings foot-print, hard-standing areas whilst the Greenfield land that would be lost would not be significant and the site would still retain a substantial level of garden land thereby responding to the theme of large properties in plots that offer large garden spaces.

- 10.3 A previous appeal Inspector noted that the loss of a family home in this location was not necessarily harmful to the residential character of the area as apartments could still be occupied by families depending on the nature of the scheme. This point of principle for apartments on this site was also raised by another Inspector in the most recent appeal decision in November 2014 for the appeal against the refusal of application 13/05711/FU.

"The site lies within the built up area and to my mind there is no fundamental objection to the principle of a development of apartments on this site. Indeed the provision of apartments would provide greater choice for residents...."

- 10.4 The proposed apartments are of a scale that could easily accommodate a family and the development would retain the garden area to the rear, thereby presenting a residential scheme responding to the area's particular residential context. Moreover whilst Officers take full note of the comments made in representation that apartments would be harmful to the local character there is no policy context that would support the refusal of apartments in principle on the basis that Alwoodley Lane or any other area where apartments are not present or are the minority housing choice. This in union with previous Inspectors' findings that the principle of apartments on this site (dependent upon the nature of the scheme) puts Officers in no other position than to accept the principle of re-developing the site for housing, albeit as two apartments.

Character and Appearance

- 10.5 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality.
- 10.6 The application which is under consideration is located on Alwoodley Lane which is a wide street lined with grass verges and trees and has an attractive and established residential character where large properties are set within generous plots with mature landscaping. There is an array of house types and styles along the length of Alwoodley Lane which includes apartments. The character and appearance of the immediate area is distinct and the immediate locale should be the focus in terms of responding to character and appearance. The application site and the dwellings close to it on the southern side of this part of Alwoodley Lane are

set at lower ground level than the highway; the land descends towards the south and the golf course beyond the residential properties. As a result of the ground levels the dwellings on the southern side of the highway have their ground floors generally screened from the public realm leaving the upper floors and roof-slopes being the visible features along this part of Alwoodley Lane.

- 10.7 The application proposes one apartment block that would read as three storeys from the front elevation and would comprise of two apartments, one of which would utilise the basement level. Each unit would have private amenity space in terms of patio areas and a communal garden area to the rear. The site would be laid out with the main aspects of the building facing out towards Alwoodley Lane and to continue the immediate character of the area the building would be set down so that roof and first floor would be the only evident elements from the public realm on Alwoodley Lane. This would be further aided by the introduction planting along the front of the site which in union with existing tree coverage would further act to reduce the presence of the proposed building within the street-scene which would have an architectural vernacular at the front that is responsive to the domestic scale and the character of the immediate area.
- 10.8 Access into the side would be gained through two punctuations in the front boundary; the existing vehicular access would be retained whilst further to the west a pedestrian access would lead into the building and a communal lobby. The basement level would also allow access into the building. The proposed building is considered to represent development that is acceptable in its context by reason of the design, scale and massing. The flanking buildings are not insignificant in scale, and the resulting re-placement building responds to the domestic scale of its surroundings and would therefore sit comfortably with its neighbours.
- 10.9 In light of the above it is considered that the proposed building would appear from the street-scene as a building of simple architectural vernacular with an eaves and ridge height in general accordance with its neighbours and as such would sit well within the character of the immediate surroundings.
- 10.10 In terms of the rear elevation, this would appear taller than the front of the building and would have an extensive use of glazing thereby differing in character to surrounding dwellings. This point was noted by a previous Inspector when assessing the appeal against the refusal of application 12/02060/FU and it was concluded that the length of the rear garden in combination with the proposed additional planting to the southern boundary, it would be well screened and at some distance from the golf course to the south. Views of the rear of the proposal from the public footpath would also be taken from some distance away and in the context of the existing planting within the golf course. The Inspector was not persuaded that any undue harm would be caused to the character and appearance of the area in this regard and as such the level of glazing to the rear is accepted. This scheme before Members proposes a similar situation in terms the level of glazing proposed and the findings of the Inspector are considered to remain relevant in this instance. There is also a centrally placed cubic glazed feature which would provide the living/dining area of the basement level accommodation. The use of the glass on this element reduces the perceived bulk and provides a point of architectural interest. Moreover the use of grass roofs to the flat roofed elements to the rear assist in amalgamation of the built development with the landscaped gardens of the site and the trees to the neighbours plot at No.262.

Residential Amenity

- 10.11 Saved policy GP5 of the Leeds UDP (Review 2006) notes that extensions should protect amenity and saved policy BD5 of the UDP notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”.
- 10.12 The proposed building would be set back into the site and further in from the highway than the existing dwelling on site. The proposal would also extend further into the site at the rear than the existing dwelling and would terminate in depth beyond the flanking properties. The proposal would be more obvious within the site and from the flanking gardens of No.’s 262 and 266 than it would from street level. The proposed height, scale and massing is much more domestic than previous proposals for the re-development of this site that were refused as a result of their scale. The scheme before Members is considered to avoid being an overly dominating form of development when considered from the rear elevations and rear gardens of No’s 262 and 266. Moreover, given the size of the neighbouring rear gardens it is not considered that the scale of the proposals would unduly impact upon the living conditions of neighbouring occupants. The tree coverage along the boundary with No.262 would also provide a robust screen.
- 10.13 In terms of shading, levels of shade would clearly increase above those from the existing building on site given the increased scale of the development above the existing property on site. During the early part of the day the resulting shade would fall towards No.262 Alwoodley Lane, however it is considered that the existing and well established planting along the western boundary of the application site and No.262 would protect the living condition of the occupants of No.262. The application site and its flanking neighbours would have good opportunity to receive natural light during the apex of the day. As the day comes to a close the shade would fall more towards No.266. The submitted planting scheme shows that a 1.6m - 1.8m high hedge would be instated to the boundary with No.266, this would act in some way to absorb the shade but there would still be some shade that penetrates into the neighbouring garden area. The shade cast during the latter part of the day from resulting building towards No.266 would not be so significantly harmful to the living conditions of neighbouring occupants that withholding planning permission on this basis would be justified especially as for most of the day No.266 would continue to receive good levels of natural light.
- 10.14 In respect of retaining acceptable levels of privacy; the front elevation glazing would gain outlooks from the upper floor onto Alwoodley Lane with those at lower levels outlooks into the site. The side elevation windows would serve dressing rooms, en-suites, a kitchen and bedrooms, however they would be secondary bedroom and kitchen windows. In the interests of the privacy of the residents of the flanking properties these windows can be conditioned to be opaquely glazed. A much larger scheme considered by an Inspector at appeal (12/02060/FU) where extensive glazing and balconies were proposed found that:

“I have also considered concerns regarding the balconies on the rear elevation. These would be to some extent set back into the building with screens to their flanks, and any views from them over neighbouring properties would be oblique. As such I am satisfied that no undue overlooking of the neighbouring properties or their gardens would be likely to result. Whilst I accept that the proposed patio area for the ground floor flat would be elevated, I consider that this area could be

screened to its sides to limit the potential for overlooking from here to the neighbouring properties. Details of this could be secured via a condition”

In this instance there would be a raised patio area to the rear at ground floor to the western boundary and centrally to the building at first floor. Details of all balustrades and boundaries can be secured by condition to ensure adequate screening. To the second floor there would be small balconies to bedrooms and these balconies would be recessed into the roof and the roof would act to screen outlooks other than down into the garden area and to the golf course beyond. In respect of overlooking of the golf course to the rear the Inspector who considered 12/02060FU) was of the view that the golf course is “... *area of relaxation...*” and that “.... given the distances involved, the planting within the golf course, and since it is a public area where people could reasonably expect to be seen, I see no harm in this regard.” This current application gives no reason for Officers to take a differing view.

- 10.15 The issue of noise and disturbance must also be given due consideration as an additional household would be created. The proximity of the proposed ramp and basement parking entrance would be adjacent to No. 262. The proposed driveway would be dug into the ground to give access to the basement car park at a 1:8 gradient. No.262 is located 7.2m from the boundary and substantial planting separates the driveway from No.262. There is an existing driveway with a garage to the side of the existing dwelling on site which is located close to No. 262’s boundary. It is noted that the proposed driveway would extend further towards the rear than the existing, and would serve an increased number of vehicles given the increase in dwelling units by one. It is not considered that any undue levels of noise and disturbance would occur as a result of the driveways proximity to the western boundary. With regard to noise and disturbance the increase of the number of dwelling units on site by one is not considered to be so significant that the living conditions of neighbours would be unduly harmed. In para.15 of her finding the Inspector for the appeal against the refusal of 13/05711/FU noted

“...whilst I accept that the proposal would result in some vehicular activity at the side of the property, it seems to me that as a result of the separation distances and the amount of landscaping between the two properties, vehicular activity is unlikely to result in a significant harm to living conditions.”

- 10.16 There would be a good sized communal garden area as well as private amenity spaces which are considered to be acceptable and generally in line with the advice given in SPG13 -Neighbourhoods for Living, which suggests that private amenity for flats should have a minimum area of 25% of the total gross floor area excluding vehicular provisions. In addition, the proposed layout shows provision for the storage of bins off the highway and behind a hedge. Details of bin stores can be secured by condition.

Highway matters

- 10.17 Leeds Core Strategy Policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations.
- 10.18 As part of this application stringent assessment has been conducted by Highways and the applicant has been required to provide additional details in terms the proposed access, with greater details regarding the gradient of the access route to the underground parking and better access arrangements to the underground car

park. With regard to traffic impact Highways are not aware of the 'well known phenomenon when houses are replaced by flats that the increase in traffic would be considerably more than by a factor of 3' that Cllr Buckley raised in his representation.

- 10.19 The industry standard for estimating development related traffic is the TRICS database and the average trip rate using TRICS is around 0.7 for a house and around 0.4 for a flat, and for the increase in traffic to be considerably more than a factor of three would involve a development of more than the two apartments that are subject to this application. Notwithstanding this, if the worst scenario was taken of two family sized flats replacing a family dwelling the increase would still, in the technical view of Highways, to be less than a factor of three. Highways consider that the traffic impact of the development even if it were to be an increase of more than a factor of three, would not be at a level that could be regarded unacceptable with a suitable access.
- 10.20 Six parking spaces are proposed for two x 3 bedroom flats which is a higher parking requirement than the current Street Design Guide (2009) standards, and this does provide a space for every bedroom in this development. As far as junction visibility is concerned the access onto Alwoodley Lane meets current requirements and there have been no personal injury accidents in the vicinity of the site in the last five years.
- 10.21 The submitted plans indicate a 1 in 8 access route from Alwoodley Lane down to the basement parking level. Additionally the basement parking layout and entrance from the ramp is acceptable as a level entrance is indicated and all parking spaces are accessible. Therefore Highways have no objections. Conditions can secure a maximum access and driveway gradient of 1 in 8.

Landscaping

- 10.22 The submitted site layout plan shows landscaping scheme which indicates a good level of planting consisting of an array of species and type (i.e. bedding plants, trees, hedges, number, planting densities and specification of works) Planning conditions can secure that the landscaping scheme be implemented and retained. The existing garage, hard-standing and canopy structure within the application site located towards the western boundary have clearly been in situ for some time and would likely to have compromised root development of the planting. The proposed level of excavation required would not be insignificant and if no protection was in place then this may adversely affect the planting. A condition can be imposed for details of the full tree protection of the western boundary planting. Furthermore, the submission of a method statement to ensure ground disturbance is minimised and a methodology of works can also be secured by condition.

Other matters

- 10.23 As detailed earlier in this report both Councillors Peter Harrand and Neil Buckley have raised objections relating to the principle of development, loss of character, highway safety, traffic increase and precedent for further apartment development on Alwoodley Lane. These points have been echoed by the Parish Council and by the twenty objections from local residents and comments regarding include residential amenity (also covered above). In addition there are several points raised by objectors that will be dealt with below:

- Cllr Buckley has raised the point that he is given to understand that several householders are waiting for the final decision – if in favour, they would immediately submit similar schemes, which, if then successful, would result in the spoiling of this residential road.

This point is duly noted and Officers are not numb to the likely potential for subsequent applications for re-development of other sites on Alwoodley Lane. Any such applications would be assessed on their merits and against the material planning considerations and policies that this application has been assessed against. The Inspectors have established the principle of apartments, subject the nature of the scheme. Clearly schemes akin to those refused by the LPA and dismissed at appeal would give rise to significant concern.

- Flats and apartments almost by definition attract more transient individuals, who would not normally aspire to embed themselves in local life.

Apartments, especially in the rental market can represent transient habitation. In the instance of the development before Members however the apartment block proposes two planning units, units of a size that could in principle be large enough for family accommodation and one would suspect of a market value that may attract a more stable occupancy. Whether a resident wishes to embed themselves in the community is down to individual choice and Planning cannot say either way that the future occupants of the two apartments would choose to or not and this is not considered to be material in this instance.

- The development is profit driven.

It is usual business practice that development is conducted with a profit in mind but this does not in this instance detriment the planning merits of the scheme.

- The planting schedule is not in English.

It is usual for submissions to use Latin names.

- Drainage issues.

The matter of drainage has been considered by the Councils Drainage Engineers and subject to conditions no objections have been raised.

- In 2008 an Inspector ruled that flats were out of character.

The 2008 findings of the Inspector (dated 10 June 2008) stated that the scheme before him was out of character; the text of his conclusions does not state that flats in general were out of character. Para 15 of his findings states that:

“...I conclude that the proposed development would unacceptably harm the character and appearance of this part of Alwoodley Lane.....”

11.0 CONCLUSION

- 11.1 In light of the above and taking into account the findings of the Inspectors that dealt with the previous appeals, including the principle of apartments on this site within

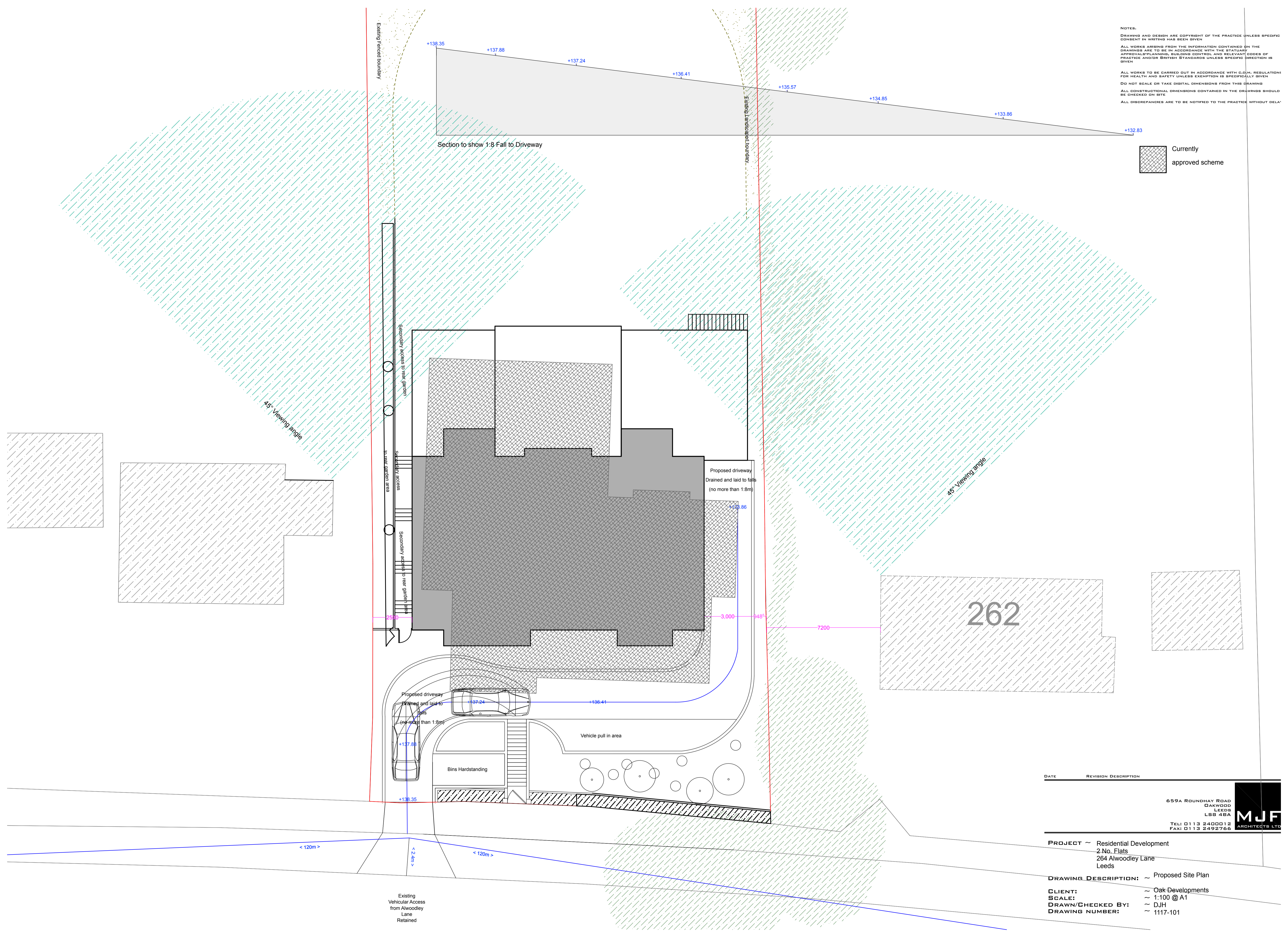
the immediate location the application is considered to be acceptable in planning terms. As such the proposed scheme is compliant with the relevant policies and guidance detailed within this report and subject to conditions approval is recommended.

Background Papers:

Application files 13/05711/FU and 9/00992/FU
Certificate of ownership: Certificate B signed by the agent

NOTES:
 DRAWING AND DESIGN ARE COPYRIGHT OF THE PRACTICE UNLESS SPECIFIC CONSENT IN WRITING HAS BEEN GIVEN
 ALL WORKS ARISING FROM THE INFORMATION CONTAINED ON THE DRAWINGS ARE TO BE IN ACCORDANCE WITH THE STATUTORY APPROVALS (PLANNING, BUILDING CONTROL, AND RELEVANT CODES OF PRACTICE AND/OR BRITISH STANDARDS UNLESS SPECIFIC DIRECTION IS GIVEN
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 ALL DISCREPANCIES ARE TO BE NOTIFIED TO THE PRACTICE WITHOUT DELAY

Currently approved scheme



DATE	REVISION DESCRIPTION

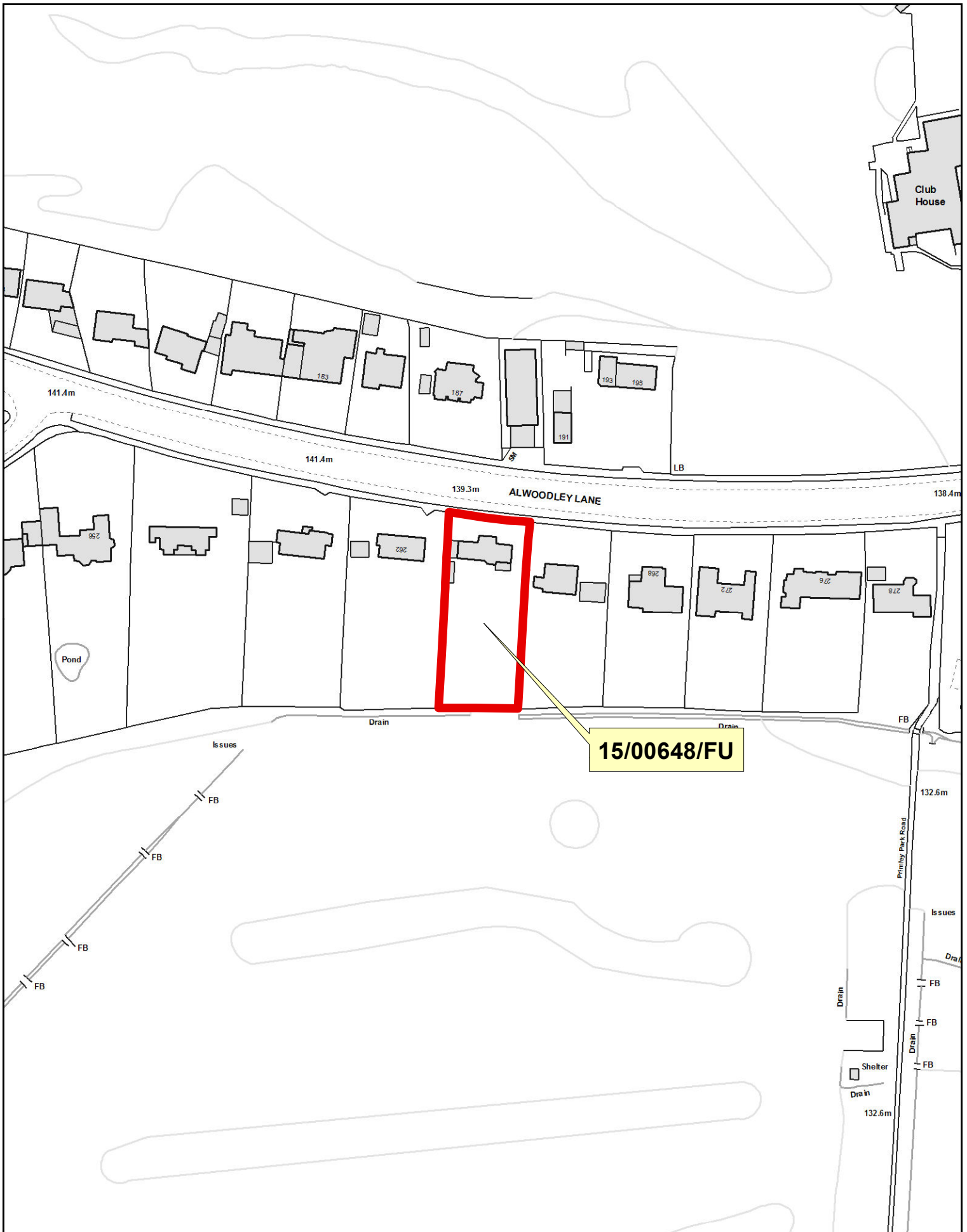
659A ROUNDHAY ROAD
 OAKWOOD
 LEEDS
 LS8 4BA
 TEL: 0113 2400012
 FAX: 0113 2492766



PROJECT ~ Residential Development
 2 No. Flats
 264 Alwoodley Lane
 Leeds

DRAWING DESCRIPTION: ~ Proposed Site Plan

CLIENT: ~ Oak-Developments
SCALE: ~ 1:100 @ A1
DRAWN/CHECKED BY: ~ DJH
DRAWING NUMBER: ~ 1117-101



NORTH AND EAST PLANS PANEL





Originator: U Dadhiwala

Tel: 0113 2478175

Report of the Chief Planning Officer

NORTH AND EAST PLANS PANEL

Date: 9th April 2015

Subject: 14/06051/FU & 14/06052/LI – Full and Listed Building applications for external and internal alterations, single storey extension and addition of new air conditioning and condenser units at Crown Hotel, 128 High Street Boston Spa, Wetherby LS23 6BW

APPLICANT

Tesco Stores Ltd

DATE VALID

25th November 2014

TARGET DATE

20th January 2014

Electoral Wards Affected:

Wetherby

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. Development shall be carried out in accordance with the approved plans.
3. Sample of new stonework to be submitted
4. Details of any new windows and doors including materials and sections to be provided.
5. Details of the boundary wall (close to the rear entrance) shall be submitted. The details shall show the boundary wall to be retained and any modification that may be proposed.
6. Details of any external lighting shall be submitted.
7. The air conditioning and condensing system to be installed and operated in accordance with the details outlined in the specification and operation document which have been submitted with the application.

RECOMMENDATION: GRANT LISTED BUILDING CONSENT subject to the following conditions:

1. Time limit
2. Development shall be carried out in accordance with the approved plans.

3. Sample of new stonework to be submitted
4. Details of any new windows and doors including materials and sections to be provided.
5. A full schedule of internal architectural features within the listed element of the building.
6. Retention and exposure of cornices and original ceiling.
7. Details on the treatment of the vestibule including a method statement and treatment of how this will be done.
8. Before and after internal elevations of the wall proposed for removal at lower level and a method statement of its partial demolition.

1.0 INTRODUCTION

- 1.1 These applications are brought to Panel at the request of Councillor John Procter due to history of the site and the public interest shown in the application.
- 1.2 Members should note that it has been the long term aspiration of the applicant to use this property as a shop. The General Permitted Development Order (GPDO) grants planning permission for a Public House to be used as a shop. Accordingly planning permission would not be required for this change of use from the council.
- 1.3 The building is located within the conservation area and the right hand portion of the building is listed.

2.0 PROPOSAL

- 2.1 These applications seek permission to make internal and external alterations to the Crown Hotel, 128 High Street, Boston Spa. The Listed Building Application seeks consent for internal and external alterations to that part of the building that is listed. Planning permission is sought for the extensions, including the enclosure and erection of the air conditioning and condenser units, and the insertion of new entrance doors. The full extent of the proposed works are described below:

External Alterations

- A small section of the rear elevation of the building which features a small canopy and door will be removed and the area will be infilled with matching stonework.
- Part of the existing building (the narrow extension to the rear) will be partly demolished to make more room for parking.
- Installation of a new doorway to the western elevation to allow a separate access to the first floor of the building.
- Removal of two central windows on the rear elevation that faces existing hard-standing and to replace this with a glazed level access.
- Partial demolition of the rear wall and making good.
- Installation of plant and machinery (including an external freezer unit, air conditioning and condenser units) to be contained within a service area enclosed with a 2.4m high stone wall with railings and a 2.4m high close boarded timber gates.
- New signage is shown on the submitted plans, but this will be dealt with under a separate application for advertisement consent.
- All stonework would be made good to the façade of the building and where necessary. To repair any windows as required. The bay window on the

right hand side of the building (as noted in the listing) is to be retained and refurbished, with the glazing replaced to meet current building standards.

Internal Alterations

- Removal of the majority of the internal fixtures and fittings and partition walls.
- Elements that will be retained include the door surrounds, fireplaces, porch area (includes entrance door and fanlight) and cornicing. One of the existing walls will be retained at high level.
- Installation of suspended ceilings and stud walls (to create one open retail unit with some private areas located to the rear of the building)
- Blocking up a doorway.
- Installation of service entrance door.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site is identified in the Leeds UDP (2006) as being within the Boston Spa Conservation Area and within the Boston Spa local centre. The Boston Spa Conservation Area Appraisal identifies the building as listed (the buildings right hand side is Grade II Listed) and it also identifies it as a positive building within the Conservation Area.
- 3.2 The village of Boston Spa is a linear settlement running either side of the A659 and parallel to the River Wharfe, with its central point at the junction of High Street and Bridge Road. Architecturally, the village has a predominating Georgian architectural style.
- 3.3 Buildings are predominantly two storey in height but this increases to three storeys in the core of the Boston Spa. Magnesian limestone is the dominant building material and a key characteristics of Boston Spa.
- 3.4 The application site is accessed from High Street and from a rear access off Church Street; the building provides a strong feature on the junction of High Street and Church Street. The Crown is the dominant building on a terrace of four properties and is an attractive feature within the local centre both in historic and architectural merit. The existing/former use of the building is as the Crown Hotel, public house. As stated above the building is in part listed in respect of the right-hand part of the building. The building comprises of an early 19th century two storey building (plus an attic) constructed in ashlar magnesian limestone under a pitched Welsh slate roof with a gable end facing Church Street. There are a number of chimneys to the roof with a tall stack rising from the roof slope on the left and a cement-rendered end stack on right. The listed section also has two bays to the ground and first floors, a paneled door and over-light with radial glazing bars on left of a two storey bow window having sashes of four, twelve and four panes with projecting stone sills and chamfered stone mullions. Above the door is a later four pane sash with projecting sill and flat arching and paired brackets to wooden eaves cornice act to form the gutter. The rear elevation has two sashes with glazing bars to the first floor and a graduated slate roof. The fenestration detailing is read as a round-headed stair window with sash and glazing bars; a smaller round-headed attic window and a number of other windows.
- 3.5 The rear yard is enclosed by a stone boundary with punctuations in the boundary wall in respect of a gated pedestrian access and a wider vehicular access further up

Church Street. The vehicular access provides a route from Church Street to a car-park associated to the building, this access passes the garden area of No.1 Church Street (a residential property bounded from the access route and car-park by stone wall and established planting).

- 3.6 As well as commercial and community uses Boston Spa High Street and Church Street have a number of residential properties that are located in near proximity to the application site.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 In 2012 full and listed building applications were submitted to make alterations to the building so that the building could be used as an A1 unit (app ref: 12/02156/FU & 12/02157/LI). The works proposed were similar to those proposed under this application. The application was refused on the basis that works proposed were premature, as the premises (regarded by the LPA as a Hotel) could not be lawfully used as an A1 retail store and that planning permission for the use of the site should be gained before the proposed works could be approved.
- 4.2 Consequently, the applicant submitted a Certificate of Lawfulness to establish that the property was used as a Public House (Class A4), which would mean that the property can be lawfully changed as an retail store (Class A1) without requiring planning permission from the council (12/04329/CLE). The application was refused on the basis the evidence submitted by the applicant was not sufficient prove that, on the balance of probabilities, the application site was used predominantly as a public house.
- 4.3 The applicant lodged an appeal against this decision and the Inspector upheld the appeal and found that the lawful use of the site was a public house falling within the A4 use class. The impact of the Inspector's decision is that the premises can be used as an A1 retail store without the need for a formal planning permission.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant was advised by the Conservation Officer that a number of key internal features of the Listed Building such as the door surrounds, fireplaces, porch area (includes entrance door and fanlight) and the existing cornicing will need to be retained. Therefore, the applicant has revised the plans to show the details highlighted as being retained.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Site Notices advertising proposal as effecting the Listed Building and the character of the Conservation Area were posted 05.12.2014. Advertised in the Yorkshire Evening Post 17.12.2014
- 6.2 Parish Council raises the following concerns;
- Harmful impact of the use of the site on highway safety
 - Noise implications of the use of the site
 - External lighting may be harmful to residential amenity
 - The upper floors should also be brought back into use

- 6.3 The application has attracted 10 letters of objection and one support letter. The comments provided in objection focus heavily on the use of the property, impact on highway safety and the noise implications of the use particularly from delivery vehicles. Apart from the concern raised with regards to the use of the site the following valid issues has also been raised;
- Loss of the historic fabric
 - Noise from the service plant yard
 - External lighting of the car park to have an negative impact on the character of the area and on will be harmful to the amenity of neighbouring dwellings.
 - Attaching the plant equipment to the property will have a negative impact on the Listed Building.
 - The timber fence around the plant area is unacceptable.
 - The loss of the boundary wall to accommodate disabled parking
 - Lack of information on the rear parking area.

7.0 CONSULTATIONS RESPONSES:

- 7.1 Conservation Officer- raises no significant concerns to the application provided that pre-commencement conditions relating to the following are attached;
- Submission of full schedule of internal architectural features within the listed element of the building.
 - Retention and exposure of cornices and original ceiling.
 - Details and method statement on the treatment and the blocking up of the vestibule.
 - Before and after Internal elevations of the wall proposed for removal at lower level and a method statement of its partial demolition
 - Details of the external materials, doors and changes to any windows
- 7.2 Highways – Raise no objections in principle to the development. It is noted that the supporting information makes it clear that the application is not seeking to establish the principle of the acceptability of a change of but to establish whether the proposed external and internal alterations would be acceptable to the Council. As the proposed alterations in themselves are very minor and would not result in any material change to the operation of the site in traffic/transport terms, a highways objection to the application could not be justified.

However, it is considered that the change of use would raise a number of highway issues. Including servicing, the layout and illumination of the car park and the use of the car park.

8.0 PLANNING POLICIES:

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013).

Core Strategy:

8.2 The Core Strategy and CIL was adopted by The Council on 12 November 2014 and forms part of the Statutory Local Plan for Leeds.

8.3 Core Strategy Policy:

P10 Seeks to ensure development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function with high quality design that protects and enhances amenity and the wider street scene.

P11 – Relates to conservation.

8.4 Relevant Saved UDP Policies:

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

BD6 All alterations and extensions should respect the scale, form, detailing and materials of the original building.

N14 There will be a presumption in favour of the preservation of listed buildings. Consent for the demolition of substantial demolition of a listed building will be permitted only in exceptional circumstances and with the strongest justification.

N16 Extensions to listed buildings will be accepted only where they relate sensitively to the original buildings. In all aspects of their design, location, mass and materials, they should be subservient to the original building.

N17 Whenever possible existing detailing and all feature, including internal feature which contribute to the character of the listed building should be preserved, repaired or if missing replaced. To the extent that the original plan form is intact, that plan should be preserved where it contributes to the special character and appearance of the building.

N19 All new buildings and extensions within or adjacent to conservation areas should preserve or enhance the character or appearance of the area.

8.5 Boston SPA Conservation Area Appraisal and Management Plan.

National Planning Policy Framework:

8.6 This sets out the government's aims for promoting growth and sustainable forms of development.

National Planning Policy Framework states in paragraph 17 that the planning system should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*" and in

8.7 Paragraph 56 that "*good design is a key aspect of sustainable development*" and stresses in paragraph 58 that developments should be "*visually attractive as a result of good architecture*" with paragraph 64 stating that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*".

8.9 National Planning Policy Framework states in paragraph 126 that "*heritage assets are an irreplaceable resource*" which should be conserved "*in a manner appropriate to their significance*" and in paragraph 132 that "*as heritage assets are irreplaceable, any harm or loss should require clear and*

8.10 Sections 72 and 66 of the (Listed Buildings and Conservation Areas) Act 1990_(LBCA Act) identifies the general duty with respect to any buildings or other land located within a Conservation Area. Parliament requires the decision-maker to give considerable importance and weight to the preservation or enhancement of the character or appearance of a Conservation Area. Moreover, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

9.0 MAIN ISSUES

1. Principle of development
2. Character and appearance of the Listed Building and wider Conservation Area
3. Residential amenity
4. Highways implications
5. 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 a Public House to a shop is permitted development.
- 10.2 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 from the council.
- 10.2 In light of the fact that the site can be used as an A1 retail unit without the need for a formal planning permission, it is considered that the works proposed which will help facilitate the site to be used as a A1 are acceptable in principle provided subject to the works meeting all other planning considerations.

Character and appearance of the Listed Building and wider Conservation Area

- 10.3 It is considered that the removal of the majority of the internal fixtures and fittings and the external alterations proposed are considered acceptable and this has been agreed with the Conservation Officer. Through negotiations the important internal elements such as the door surrounds, fireplaces, cornicing and the porch area (includes entrance door and fanlight) will be retained. Therefore, it is not considered that the proposed internal alterations will harm the integrity or the historic fabric of the Listed
- 10.4 The external alterations proposed will not significantly alter the appearance of the building with majority of the works proposed to the rear which will not appear prominent from the main highway. Therefore, it is not considered that the extension will harm the character of the Conservation Area or the Listed building. All the works proposed have been evaluated by the Conservation Officer who has raised no concerns. Conditions will be attached to ensure that the works are carried out

sensitively taking care of the historic fabric and ensuring that the materials used are in keeping with the original building.

- 10.5 The most substantial works proposed is the installation of plant and machinery (including an external freezer unit, air conditioning and condenser units) to the rear of the site. It is considered that this area will be enclosed by a 2.4m high stone wall with railings and a 2.4m high close boarded timber gates. It is considered that the enclosure will effectively hide the plant area from public view and thereby ensuring that the impact on the character of the Conservation Area and the listed building section of the building is minimal.

Impact on residential amenity

- 10.6 A number of objections have been made by members of the local community with regards to the noise output of the proposed air conditioning and condenser units as well as the external freezer and the impact from external lighting. The application premises is located within the local centre fronting onto High Street but having the proposed service yard adjacent to Church Street. Church Street is generally residential and High Street whilst generally commercial does also have a clear residential presence, therefore the proposed development would have some effect on residential amenity. Although the Environmental Protection Team were not consulted on this application, they did however comment on the similar 2012 application (see Planning History section of the report). After evaluating the details of the condenser and the air conditioning units (the same as proposed now), it was found that the acoustic output of the proposed external equipment would not disadvantage the existing levels of amenity of nearby occupants of residential properties and that a condition could be attached to ensure plant equipment is operated in accordance with the submitted operation details. It is also not uncommon for such units to be in proximity to residential properties.
- 10.6 With regards to the external lighting, the plans do not show any external lighting being installed so this issue cannot be assessed. However, it is considered that a condition regarding the installation of external lighting should be imposed in order to avoid doubt that such works will require planning consent.

Highways implications

- 10.7 The Highways Officer has made a number of queries with regards to the parking and deliveries arrangements on the site and members of the public have raised similar concerns and have also raised issues with regards to highway safety. As previously mentioned the change of use of the building from an A4 use to A1 (retail) is permitted development and represents a fall-back position which should be accorded considerable weight. The fact that the site could be used for retail development without the need for planning permission from the council, it would be unreasonable for the Local Planning Authority to impose controls on the level of parking provision or to take into account the management of such needs in the appraisal of the current proposals (as these matters are not directly related to the applications to be determined).

Public representation

- 10.8 The majority of the representations respond to the implication of the use of the site as an A1 retail store with issues such as highway safety, parking, noise being sited.

These issues fall outside the scope of this application as the use of the site not under consideration.

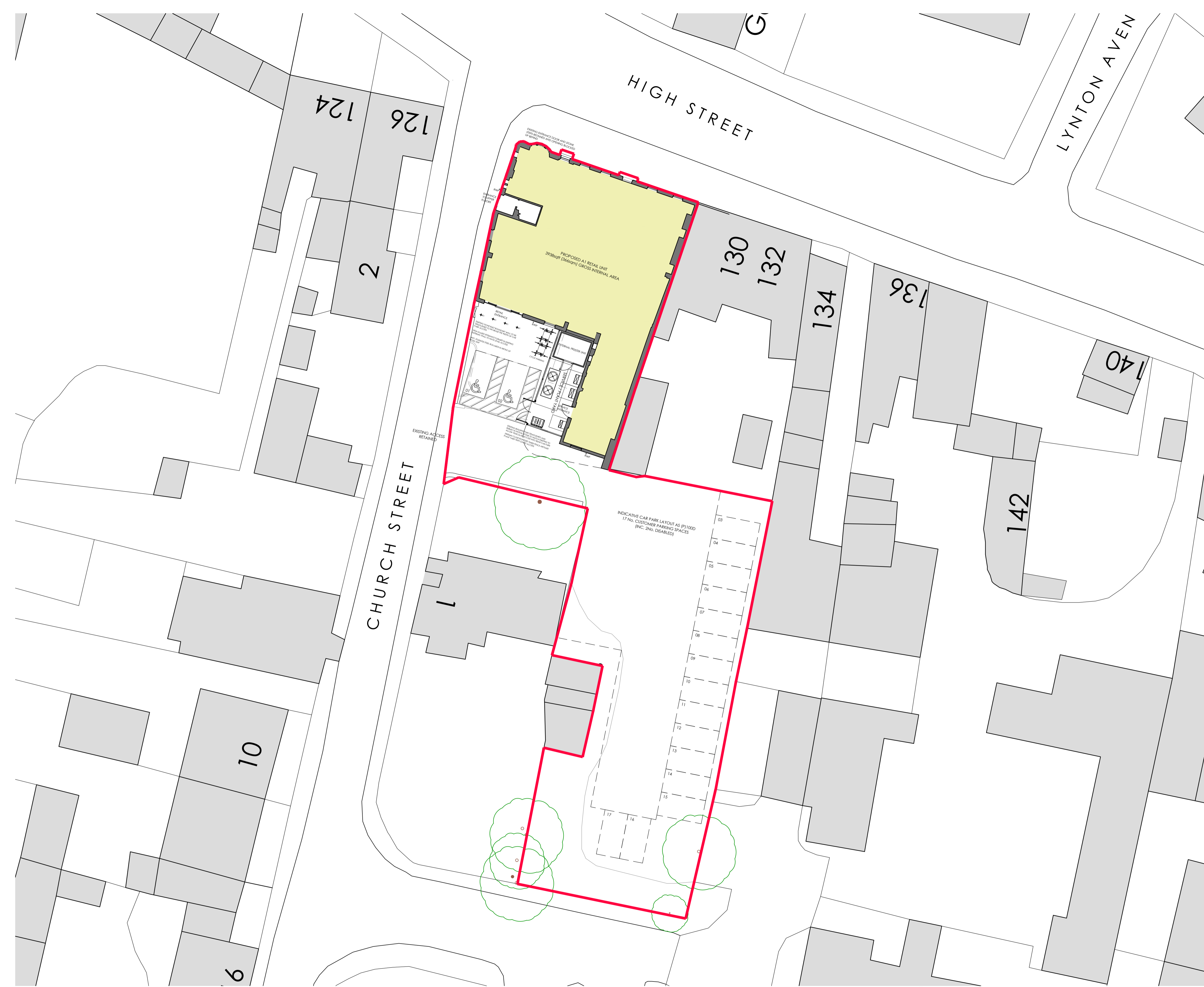
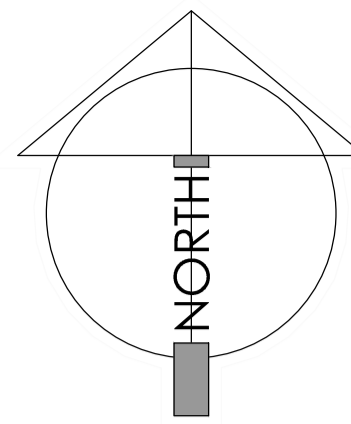
- 10.9 The comments made with regards to the internal lighting, loss of historic fabric, impact of the proposed development on the character of the listed building, noise from the service plan equipments, have been addressed in the report.
- 10.10 The comments made that the upper floors should also be brought back into use, is noted. However, the Local Planning Authority cannot reasonably force the applicant to use the upper floor of the site.
- 10.11 The concerns raised that the loss of the boundary close to the entrance of the site is a valid planning point. It is considered that a condition will be attached to ensure more details of this wall are submitted and that the wall is retained.

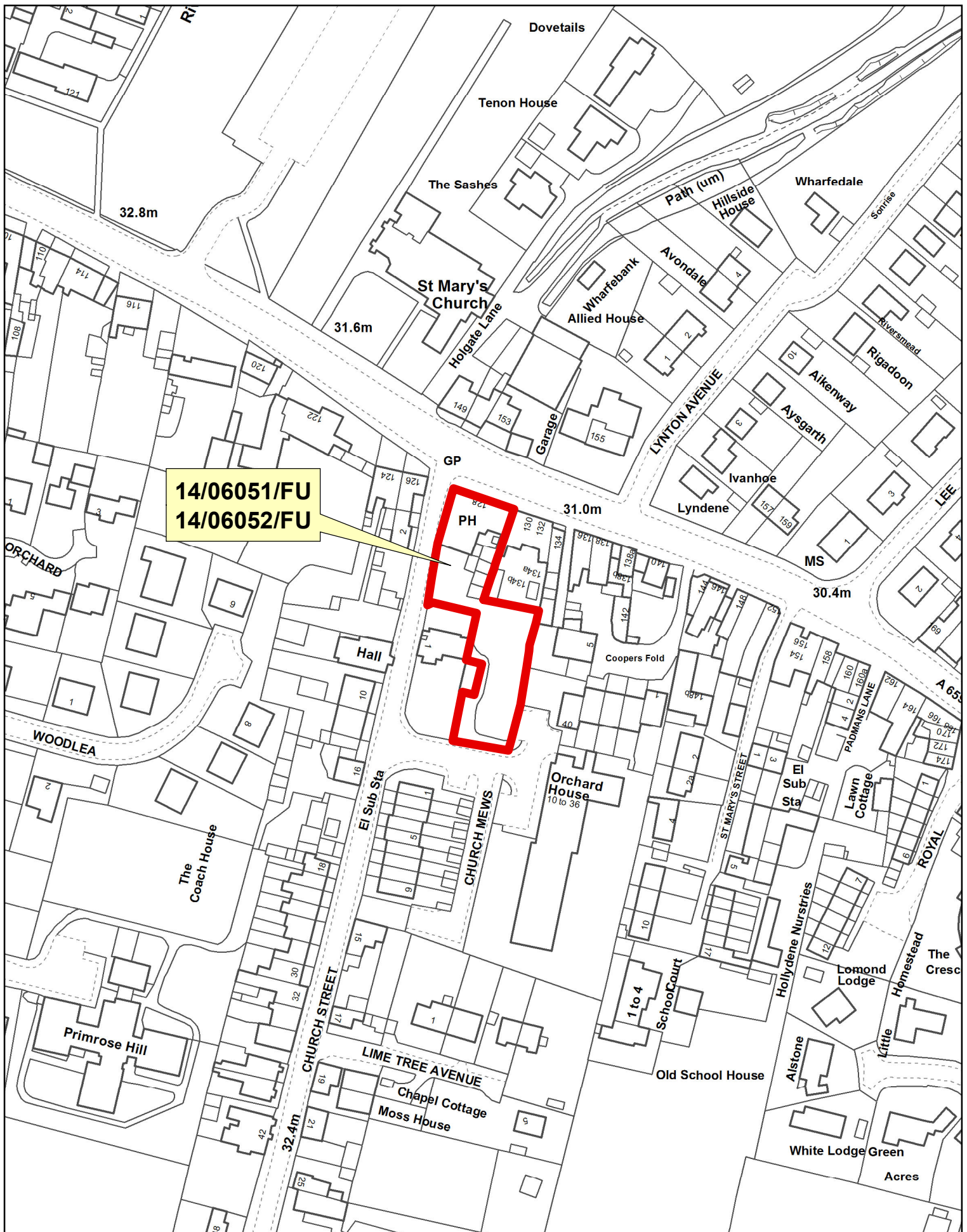
11.0 CONCLUSION

- 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 the current use of the site as an A4 Public House unit (as established by the Inspector's Appeal Decision) to an A1 retail use does not require planning consent. The principle of retail use of the site is therefore established. In view of the fall-back position officers are not of the view that it is necessary to make the retail use acceptable in planning terms and therefore should not be taken into account in determining the planning application.
- 11.2 It is considered that proposed internal and external works proposed will not have an adverse impact on the design or the character of the Listed 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. In this context it is recommended that the applications are approved.

Background Papers:

Application file: 14/06051/FU & 14/06052/LI
Certificate of Ownership: Tesco LTD





NORTH AND EAST PLANS PANEL



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