



NORTH AND EAST PLANS PANEL

Meeting to be held in Civic Hall, Leeds, LS1 1UR on
Thursday, 9th February, 2017
at 1.30 pm

MEMBERSHIP

Councillors

S Arif	B Cleasby	J Procter
C Dobson		P Wadsworth
R Grahame		G Wilkinson
S Hamilton		
S McKenna		
K Ritchie		
N Walshaw (Chair)		

**Agenda compiled by:
Debbie Oldham
Governance Services
Civic Hall
Tel: 0113 37 88656**

A G E N D A

Item No	Ward	Item Not Open		Page No
1			<p>SITE VISIT LETTER</p> <p>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</p> <p>To consider any appeals in accordance with Procedure Rule 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 receive the minutes of the meeting held on 5th January 2017, and approve as a correct record.</p>	3 - 12
7	Harewood		<p>16/05784/FU - TWO STOREY DETACHED HOUSE WITH ATTACHED GARAGE AT 17 MANOR PARK, SCARCROFT LEEDS LS14 3BW</p> <p>To consider the report of the Chief Planning Officer on an application for a two storey detached house with attached garage at 17 Manor Park, Scarcroft, Leeds, LS14 3BW.</p> <p>(Report attached)</p>	13 - 24

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8	Cross Gates and Whinmoor		<p>16/06524/FU - CHANGE OF USE AT GROUND FLOOR FROM A BANK (A2) TO HOT FOOD TAKEAWAY (A5) WITH NEW SHOP FRONT AND EXTRACT FLUE TO REAR AT 28 AUSTHORPE ROAD CROSSGATES LEEDS LS15 8DX</p> <p>To consider the report of the Chief Planning Officer on an application for change of use at ground floor from bank (A2) to hot food takeaway (A5), with new shop front and extract flue to rear at 28 Austhorpe Road, Crossgates, Leeds, LS15 8DX.</p> <p>(Report attached)</p>	25 - 36
9	Cross Gates and Whinmoor		<p>16/05597/FU - CHANGE OF USE OF VACANT FIRST AND SECOND FLOOR FORMER OFFICES TO THREE FLATS WITH NEW DORMER WINDOW TO REAR AT 28 AUSTHORPE ROAD CROSSGATES LEEDS LS15 8DX</p> <p>To receive the report of the Chief Planning on an application for change of use of vacant first and second floor former offices to three flats with new dormer window to rear at 28 Austhorpe Road, Crossgates, Leeds, LS15 8DX.</p> <p>(Report attached)</p>	37 - 46
10			<p>DATE AND TIME OF NEXT MEETING</p> <p>The next meeting of the North and East Plans Panel will be Thursday 9th March 2017 at 1:30pm.</p>	

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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.

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To all Members of North and East
Plans Panel

Planning Services

The Leonardo Building
2 Rossington Street
Leeds
LS2 8HD

Contact: David Newbury
Tel: 0113 37 87990
david.m.newbury@leeds.gov.uk

Our reference: NE Site Visits
Date:

Dear Councillor

SITE VISITS – NORTH AND EAST PLANS PANEL – THURSDAY 9th February 2017

Prior to the meeting of the North and East Plans Panel on Thursday 9th February 2017 the following site visits will take place:

Time	Ward	
11.00am		Depart Civic Hall
11.25am	Harewood	16/05784/FU – 17 Manor Park, Scarcroft, LS14 3BW
12.00 noon		Return to Civic

For those Members requiring transport, a minibus will leave the Civic Hall at 11.00am. Please notify David Newbury (Tel: 37 87990) if you wish to take advantage of this and meet in the Ante Chamber at 10.55am.

Yours sincerely

David Newbury
Group Manager
Planning Services

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NORTH AND EAST PLANS PANEL

THURSDAY, 5TH JANUARY, 2017

PRESENT: Councillor N Walshaw in the Chair

Councillors S Arif, B Cleasby, C
Dobson, S Hamilton, S McKenna,
E Nash, J Procter, K Ritchie, P
Wadsworth, G Wilkinson

103 Appeals Against Refusal of Inspection of Documents

There were no appeals against refusal of inspection of documents.

104 Exempt Information - Possible Exclusion of the Press and Public

There were no exempt items.

105 Late Items

There were no late items.

106 Declarations of Disclosable Pecuniary Interests

There were no declarations of disclosable pecuniary interests. However, the Chair, Cllr. Walshaw informed the Panel that he knew Stuart Natkus the speaker for the application from an application in the Headingley ward.

107 Apologies for Absence

Apologies for absence had been received from Cllr. R Grahame. Cllr. Nash was present at the meeting as his substitute.

108 Minutes

RESOLVED – That the minutes of the meeting held on 1st December 2016 be confirmed as a correct record subject to the following amendments:

- a) Minute 97 – the description of the application was incorrect and should read as follows; Application 15/06569/FU - Change of use of dwelling, land and outbuildings used for fish farm to use as a single dwelling with garden and domestic outbuildings, including removal of condition 3 of approval 33/336/03/FU, 47 Thorner Lane, Scarcroft
- b) Minute 101 – 4th paragraph to include the following; A further report would be provided to Members with the recommendations of the Appointed Inspectors' findings after the conclusion of the Non-Statutory Public Inquiry.

Draft minutes to be approved at the meeting
to be held on Thursday, 9th February, 2017

109 16/03101/FU - Change of use and extension of building from a workshop and storage to a combined heat and power plant and the storage of fuel at Moor Lodge Caravan Site 103 Blackmoor Lane, Bardsey. Leeds

Further to Minute 96 the report of the Chief Planning Officer provided Members with information requested at the meeting held on 1st December 2016.

Members had deferred this application so that more information could be provided in relation to the proposed Combined Heat and Power unit (CHP) to be installed at Moor Lodge Caravan Park.

The information was set out at paragraphs 1.4, 1.5, and 1.6 in the submitted report. It related to the process, the amount of power to be generated and emission levels.

One objection letter had been received from Chris Finn on behalf of a number of local residents. Mr Finn was at the meeting and informed the Panel that the site would require the installation of a District Heating Scheme to distribute the heat produced by the power plant to the house, shower block and workshop. He said that the distance between the shed where the CHP was to be located and the buildings to be heated would not make the system efficient.

Mr Finn said that he had read a document by The Green Consultancy which questions the use and efficiency of CHP systems. This document had been submitted with the letter of objection.

Mr Finn expressed his view that the proposed size of the CHP could provide power to 300 plus homes and had concerns that the unit was being installed to produce more energy than was required by the site in order to sell to the National Grid.

Mr Dewar the DPA Planner attended the meeting along with Matthew Dowley from the company that supplies ArborElectroGen systems.

Members were informed that this particular CHP unit was one of the most advanced and was encouraged by Government.

Members were also informed that the application to extend the building was to house the hopper not the CHP unit.

Cllr. Cleasby expressed his concerns in relation to the storing of wood to be chipped and used in the burner.

Members were advised that the CHP would burn only G50 woodchips which had to be purchased through an approved supplier. The site would not be storing wood or chipping wood to be used in the burner.

Cllr. Procter advised the meeting that he knew something about moisture content in woodchips as he had previously had business interests at Drax

Power Station. He explained that he had not been at the previous meeting when this application had been presented.

Cllr. Procter said that he was considering this application with an open mind and reiterated the Legal Officers clarification of the Code of Conduct for Elected Members.

Cllr. Procter expressed his concerns that the CHP seemed to be large given that it was only to be used to power and heat the workshop, the house, the shower block and the dryers.

Members were informed that if the unit was not required through summer the unit would be turned off and powered down. Members noted that the output from the unit proposed was about 100Kw

The Panel were informed that the applicant had spoken at length with Environmental Health who had provided a full report as part of the submitted report. An Officer was also present at the meeting to answer questions.

Members noted that Condition 10 set out in the submitted report related to the height of the flue which is set at a height above that of a person so that any pollutants are not ingested. The height of the flue was within DEFRA guidance.

Members were advised that the report provided a clear and full explanation which was within the NPPF Guidance in relation to the change of use and the extension of an existing building to house the hopper.

Members still raised concerns in relation to the amount of storage for the woodchips and the moisture content of stored woodchips.

Officers advised Members that a condition could be added in relation to storage of woodchip.

Cllr. Procter listed a number of concerns as follows that he had in relation to the application and the report submitted;

- No full planning history for this site
- Caravans do not use the site all year
- Storage conditions of woodchips
- The amount of energy produced by the CHP and that it would be used to supply the National Power Grid as income.
- Proposed a condition be added to prevent linking to the National Grid

Planning Officers explained that they had provided information on previous planning history that was deemed relevant to the application.

The Environmental Officer informed Members that Ofgen provided incentives for the installation and use of these systems. DEFRA had undertaken a significant amount of research on these CHP's and provided guidance on these systems. He explained that only a specific type of fuel could be burnt in

these units and that the woodchips would be delivered each month, therefore would not be stored over long periods or be affected by moisture. The Officer said that should the wrong fuel be burnt then the CHP unit would stop working.

Members were advised that pollutant levels are set and would be monitored by Ofgen.

Cllr. Procter expressed his view that the CHP was to be used to produce energy that would be sold to the National Grid and not used as a localised power source for the caravans.

The Chair drew attention to paragraphs 1.4, 1.5, and 1.6 of the submitted report specifically 1.5 which set out the output levels of the unit proposed on this site.

Cllr. Procter said that it was the fear of residents that this CHP was to be used as a power plant and he said that caution should be exercised in considering this application for CHP. He said that CHP's could be installed in any back garden without planning permission.

Members noted advice of the legal Officer in relation to Section 206 of NPPF with regard to recommendations being relevant, precise and reasonable.

The Legal Officer said that it may be considered unreasonable to impose a condition to stop the link to the National Grid.

Cllr. Procter advised that he was unable to support the application as it stood and moved a motion to reject the recommendations within the report, and as such, to refuse the submitted application.

The motion was seconded by Cllr. Wilkinson.

At this point the meeting was adjourned in order for procedural advice to be sought. The meeting was then reconvened and upon being put to the vote, the motion was not carried.

Following this, consideration of the item continued, with the following comments being submitted by Members:

- That surplus energy from solar panels is sold back to the National Grid
- That surplus heat could be used to control the moisture in the woodchips
- Lack of storage for the woodchips
- The size of the vehicle to be used to deliver woodchips. It was noted that a smaller vehicle to deliver the woodchips would increase the amount of trips that would be required
- The submitted report had provided the information as requested by Members at the previous meeting.

RESOLVED – To grant permission subject to the specified conditions set out in the submitted report and for two additional conditions to be added as follows;

- a) Location and integrity of the storage for the woodchip pellets
- b) That only G50 woodchip pellets will be used in the burner

Following the conclusion of this item, Members raised concerns and requested that clarity be sought in respect of the procedure by which a motion is considered and voted upon part way through a debate, and also in respect of what matters can be considered by the Panel when dealing with an application which has been the subject of previous consideration following deferral.

The Chair agreed that there was a need for a consistent approach and that this issue should be considered at a Plans Chairs meeting and then by Joint Plans Panel for discussion.

110 16/04310/FU - Nine dwellings, landscaping and associated infrastructure on land off Belle Vue Road, Scholes, Leeds, LS15

The report of the Chief Planning Officer informed Members of the erection of 9 dwellings with associated landscaping and infrastructure at land off Belle Vue Avenue, Scholes, LS15 4AA.

The application proposed a residential development of 9 detached four bedroom two storey dwellings on a greenfield site.

The greenfield site is located on the eastern edge of the village of Scholes, the village has a mix of houses and bungalows. The site is located close to the Manor House Community Centre which is used regularly by the community of Scholes. It was noted that an area used for parking would be lost due to the development. However, it was proposed that 6 visitors' car parking spaces would be provided to compensate for the loss of parking.

Members were informed that the site comprises of a number of mature trees along the eastern edge of the site as well as a large oak tree towards the centre of the site and also a large oak tree adjacent to the vehicular access point on Belle Vue Road. These trees had been the subject of a Tree Preservation Order (TPO). It was noted that trees are to be planted to the boundary.

Members heard that one tree on the site is due to be removed as it was suffering from decay.

Members had attended a site visit earlier in the day and were shown photographs and plans at the meeting.

Members were informed that the site is relatively flat and surrounded by residential properties on three sides. The properties are a mix of bungalows

(sheltered housing) and two storey houses, with small groups of semi-detached properties and terraces with some detached properties on Belle Vue Avenue.

Members noted that a strip of land to the east was unallocated in the UDP and that beyond this was an area of land which is Safeguarded Land.

Members were advised that a number of objections had been raised from residents, the Barwick & Scholes Parish Council and ward member Cllr. Stephenson. The concerns raised were listed at 6.1, 6.2 and 6.3 of the submitted report.

Ms Hassell, Chair of Barwick and Scholes Parish Council was at the meeting and informed the Panel that the Parish Council opposed the development as they did not feel that the type of houses proposed were right for the area. She said that they needed smaller houses so that residents could downsize and stay in the area. Ms Hassell said that the houses were out of character for the area and would dominate the existing properties nearby.

Ms Hassell informed the Panel that the residents or the parish council had not been consulted about the development. She also informed the Panel that the Neighbourhood Plan had been submitted for inspection and therefore carries weight. The Neighbourhood Plan sets out the need for smaller properties.

Ms Hassell advised the Panel that it was Belle Vue Road that was the access point to the development not Belle Vue Avenue as stated by the Planning Officer. She said that parking permits were in use at designated areas near the Manor House, she went on to say that 75% of residents on Belle Vue Road and Belle Vue Avenue were not able to park off road. She said that parking for the events held at the Manor House was usually on the roadside and on the turning area on Belle Vue Road. She went on to say that the loss of parking threatened the sustainability of Scholes community care facilities.

Ms Hassell said that the developers would find it difficult to access the site due to the number of parked cars.

Cllr. Procter informed Members why he was late entering the meeting. He explained that there had been a conflict of advice given to objectors and that someone else had also come to the meeting expecting to speak but had been unaware of the time restrictions in place.

The Chair invited Dr Walsh to address the Panel and answer questions on this application.

In relation to a question about parking Dr Walsh informed the Panel that the Manor House was used by Scholes Community Care a self-funded organisation established in 1972. This organisation caters for the elders in the village. The organisation runs coffee mornings, day trips and other events. This facility is also caters for Osmond House which supports the brain damage trust these people have to be brought in vehicles.

Dr Walsh informed the Panel that parking was fundamental to the sustainability of this group which had been going for 45 years. She said that the Council needed to consider the wider social and health obligations rather than the recommendation of nine inappropriate houses.

Members were informed of the following;

- That visitors to the Manor House are usually dropped off
- Where visitors drive to the event parking can be for up to 2 hours
- Residents parking scheme in use at properties across the road from the Manor House
- Cars are sometimes double parked
- The development site is located only a short walk from the local school
- The school is current at capacity
- There are no play facilities nearby
- The scout group is full

Stuart Natkus spoke to the Panel on behalf of the applicant.

He informed the Members of the following:

- That if there were more properties it would mean more cars.
- The developers had designed the site on the basis of what is there already
- Explained why the developers had decided to build 9 dwellings due to the size of the site and the necessary infrastructure.
- That schools in the area had been looked at as part of the allocation process
- The developers wanted to see a mixed balanced communities
- Construction traffic would be compounded within the site and that plans had been drawn up to address movement of construction traffic
- Consultation had been addressed with officers as the development was under 10 units and therefore not deemed necessary

In relation to questions about the red line boundary and ownership of the land Members' attention was drawn to page 38 of the Panel papers which said that Certificate B had been signed and that notice had been served on Leeds City Council and Mr A C Gilpin.

Cllr. Nash referred to the list of non-material matters and material matters issued to Members of Plans Panels and the fact that Members need to consider the application as put forward in the report.

Members proposed a TRO to address the parking issues. However, Members were agreeable to the Highways Officer proposal that the TRO be deferred to allow Highways Officers' to monitor the situation and if necessary would implement a TRO at the cost of the developer.

Members discussed the following points:

Draft minutes to be approved at the meeting
to be held on Thursday, 9th February, 2017

- Parking issues around the Manor House
- Housing mix targets in relation to the Core Strategy
- Play areas
- CIL money
- Planting around the site in relation to hedges rather than trees, if trees to ensure that oak trees are planted.
- Displacement of parking spaces and visitor parking provided by the developer
- Slight movement of dwellings in plots 1 and 2
- To have photovoltaic panels fitted the dwellings

RESOLVED – To defer for discussions with the developers on the following points;

- Planting hedges instead of trees
- Pulling forward the dwellings on plots 1 and 2
- Traffic Regulation Order with Section 106 agreement
- Additional 2 parking spaces for visitors

to delegate to the Chief Planning Officer subject to the recommendations set out in the submitted report and to incorporate the conditions listed above.

Cllr. Procter suggested that the fitting of Photovoltaic Panels become policy rather than an additional condition. He suggested this issue be taken to Joint Plans Panel.

Cllr. Procter left the meeting at 16:55 after item 110

111 16/05622/FU - Change of use from a vacant retail unit (Class A1) to a hot food takeaway (Class A5) including new shopfront and installation of extraction/ ventilation equipment at 42 Main Street, Garforth, Leeds, LS25 1AA

The submitted report of the Chief Planning Officer proposed an application for the change of use of a vacant unit on Main Street, Garforth from a shop (A1) to a hot food takeaway (A5) with new shopfront and installation of extraction /ventilation equipment.

Members were informed that there is a car park to the rear of the unit with 2 designated spaces for the unit and a bin storage. Members noted that the car park is locked from 6pm until 7am.

Members were informed that bungalows back on to the rear of the car park with a distance of 21 metres which are separated by palisade fencing.

Members had visited the site earlier in the day and were shown photographs and plans at the meeting.

The new shop front would be of aluminium the same as other shop fronts in the centre.

Members noted that the conditioning unit was to be replaced with a new unit to eject fumes.

Members also noted a typo at 4.3 of the submitted report should read 'allowed at appeal 6th February 2014'

Sue McQuire the secretary of the Garforth Neighbourhood Forum attended the meeting. She told the Panel that there was a need in Garforth for a greater variety of shops as the majority on the Main Street are takeaways or hairdressers. She said that the report had omitted to take account of a survey conducted with householders in Garforth which asked to see less hairdressers and takeaway premises.

Ms McQuire said that the A3 and A5 uses conflicted with the policy of Leeds City Council. She informed the Members that Garforth was listed as one of the highest in the city for obesity.

Ms McQuire made a number of references to Leeds City Council policies and priorities including Child Friendly policies, Leeds Health and Wellbeing Strategy, Core Strategy and the mission for Leeds to be the best for health and wellbeing.

Nigel Cussen on behalf of Dominos Pizza UK and Ireland and the outlet Operations Manager were at the meeting.

Mr Cussen informed the Members that the outlet would employ local people and would keep footfall in the area. He said that the spaces in the car park would be used for delivery people outside of normal operating hours. The car park would be locked and only the manager would have the key.

Members expressed their concerns that these type of car parks attracted anti-social behaviour. However, they were of the view that the car park in Garforth seemed to be well run.

The Operations Manager said that the car parking spaces would be used by staff not by delivery staff, therefore the car park would remain closed and locked. He said that there would normally be up to 4 delivery cars and they pick up orders from the front of the shop. He said that it was a quick turnaround and that delivery vehicles were not parked for long.

It was noted that the opening times as listed at number 3 of the conditions was not correct. The correct opening times should read 11:00am to 11:00pm

Members had noted that Garforth Academy was located close by and had concerns that students would visit the premises during the lunch period.

The Operations Manager explained that the predominant area of service for Dominios Pizza was delivery orders, with repeat business once in every five weeks.

Cllr. Nash recalled a South and West Plans Panel which had refused an application for a fast food outlet as it was close to a school. She told the Panel that this had been turned over at appeal and although it was still refused the inspector had refused it due the disturbance to residents.

Members expressed their concerns in regard to the proximity of the car park and bungalows to the rear as many of the residents living in them were elderly.

The Head of Development Management provided a brief overview of the issues for Members as follows:

- Applicant had agreed to close and lock the car park between 6:30pm and 7:00am and that parking spaces would not be used for deliveries.
- A Supplementary Planning Document (SPD) on takeaways and hot food outlets to be taken to Development Plan Panel.
- No objections had been received from the school nearby.
- Condition 3 of the submitted report to be amended to set opening hours as 11:00am to 11:00pm

RESOLVED – That the Plans Panel granted permission subject to the conditions set out in the submitted report with the amendment to condition 3 and an additional condition.

Condition 3 – Opening Hours 11:00am to 11:00pm

Additional condition - To restrict delivery vehicles from using the access road and parking area to the rear of the premise to limit any impact upon residential properties to the rear.

Under the provisions of Council Procedure Rule 16.5, Councillor S McKenna required it to be recorded that he voted against the decision to grant the permissions, as resolved by the Panel.

112 Date and Time of Next Meeting

The next meeting of the North and East Plans Panel will be Thursday 9th February 2017 at 1:30pm.



Originator: Umar Dadhiwala

Tel: 0113 222 4409

Report of the Chief Planning Officer

NORTH & EAST PLANS PANEL

Date: 9th February 2017

Subject: 16/05784/FU – Two storey detached house with attached garage at 17 Manor Park, Scarcroft, Leeds, LS14 3BW

APPLICANT

Mr David Gale

DATE VALID

26th September 2016

TARGET DATE

21 November 2016

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 specified conditions:

1. Time limit
2. Development to comply with approved plans
3. Vehicle spaces to be laid out and hard surfaced
4. Details and sample of walling and roofing materials
5. Details of access, storage, parking, loading and unloading of all contractors' plant, equipment, materials and vehicles (including workforce parking)
6. Survey of the condition of the vehicular highway within the application site, with any necessary mitigation works, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation works shall be fully implemented prior to occupation of the development.
7. Tree survey
8. Provisions for replacement trees
9. Protection of trees and shrubs
10. Submission of a feasibility study into the use of infiltration drainage methods
11. Details of surface water drainage
12. Details of bat roosting Features
13. Phase I Desk Study to be submitted
14. Submission of Amended Remediation Statement if required

- 15. Submission of Verification Reports if required
- 16. Any soil brought into the site to be tested for contaminants

1.0 INTRODUCTION

- 1.1 The application proposes to construct a single dwelling within the side garden of a detached dwelling within Scarcroft. The application is brought to Panel at the request of Cllr Rachael Procter who considers that the proposal will give rise to concerns affecting more than neighbouring properties and in particular, raises highway safety issues and harm the character of the area.
- 1.2 In terms of the history, permission was recently granted to demolish the existing dwelling and to build a replacement house on a similar footprint. This permission retained the side garden between the approved dwelling and no. 21 Manor Park. This side garden is now the subject of the current proposal which seeks to erect an additional dwelling. It is considered that the proposed and recently approved dwelling will not adversely affect the spatial character of the area.
- 1.3 The Highways Officer has raised concerns with regards to the substandard nature of Manor Park highlighting that the proposal will exceed 5 dwellings being accessed off a private drive, running contrary to the Street Design Guide. Also, the lack of amenity for pedestrians, including a lack of lighting and footways, is also highlighted. Whilst officers acknowledge that the proposal runs contrary to the wording of the Street Design Guide, it is observed that the access road (Hellwood Lane) already serves 19 houses (of these, 13 are served from Manor Park) and therefore an increase of 1 dwelling is not considered to amount to a significant increase in vehicular activity and associated harm to highway or pedestrian safety. It is therefore concluded that the proposal is compliant with national guidance insofar as the impact is not considered to be severe, and on this basis it is recommended for approval.

2.0 PROPOSAL:

- 2.1 The applicant seeks permission to construct an additional dwelling on the site which will be located within the side garden of no. 17. A replacement dwelling has recently been approved on the site (15/07546/FU) on a similar footprint to the existing house. The dwelling largely takes a two storey form and will sit within the side garden of the existing dwelling. The dwelling will be accessed off a private drive known as Manor Park which serves 13 dwellings. Overall, Hellwood Lane serves 19 dwellings. The dwelling will be of a traditional design, constructed of stone with a slate roof. The main two storey element of dwelling will measure 10.2m by 10m and will feature a single garage to the side.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site (No.17 Manor Park) is a fairly large plot which has a slight slope from west to east. The site adjoins the Green Belt to the east and north. A belt of trees are present along the eastern and northern boundary which provides a natural green buffer from the green belt. The trees beyond the northern boundary are protected with a TPO.
- 3.2 Manor Park comprises a private drive serving 13 dwellings within a loop which connects to Hellwood Lane which in itself serves 6 dwellings. Hellwood Lane connects to the A58, and as well as serving the 19 dwellings, also leads towards riding stables where the road terminates. This particular stretch of the A58 has a 30mph speed limit and benefits from a right turn lane into the site travelling from the Leeds direction. The

dwelling within Manor Park and along Hellwood Lane are varied in terms of their scale, architecture and materials. Most of the dwellings on the street take a two storey traditional form and feature pitched roofs. The existing dwelling at no. 17 Manor Park is of a stone construction with a slate roof and is currently fenced off.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 15/07546/FU- Demolition of existing dwelling and construction of one detached dwelling. Approved.
- 4.2 14/06779/FU- Demolition of existing dwelling and construction of two detached dwellings: Withdrawn. It is worthy to note that Officers supported the principle of 2 dwellings on the entire site. This proposal received local opposition and was subsequently requested to report the application to Panel for determination. However, before doing so, the agent decided to withdraw the application to avoid the risk of obtaining a refusal, and to concentrate on obtaining approval for the replacement dwelling at no. 17 only, and once this permission had been secured, to resubmit a new application for an additional dwelling within the side garden area.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 None

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 The receipt of the application has been publicised in the following ways:
- Site Notice Posted 14.10.2016
 - Neighbour Notification Letters Posted on 29.09.2016 and was posted again after the redline plan was amended on 07.11.2016 .
- 6.2 Objections have been received from 11 households within the area. These raised the following concerns:
- Design of the dwelling do not tie in with the character of the area
 - The layout of the house do not reflect the special character of the area
 - The private road does not allow for heavy vehicles access
 - Heavy vehicles will damage the road
 - The dwelling will be located close to mature trees.
 - The proposal will overlook No.21 Manor Park
 - The proposed new access will create highway safety issues
 - Disruption during construction period.
 - The proposal to remove a shed on the shared boundary may affect the boundary wall of No.21.
 - The approval of the scheme will lead to other dwellings in the area proposing a second dwelling on the site.
 - The proposal will over-dominate No.21
- 6.3 Parish Council- comments that a brick dwelling will not be in keeping with the character of the area.

6.4 Ward Members: Cllr Rachael Procter raises concerns over highway safety and impact upon the character of the area.

7.0 CONSULTATIONS RESPONSES:

7.1 Highways raise the following concerns:

- Manor Park is not an accessible from of development for pedestrians as it is not in a good state of repair and the roads leading up to the site are not lit and do not have dedicated pedestrian facilities.
- The proposal conflicts the Street design Guide (SDG) it that the Manor Park currently serves more than five dwellings and is not built to adoptable standards.

7.2 Mains Drainage - No objections.

7.3 Land Contamination - No objection subject to conditions.

7.4 Nature Conservation - No objection, subject to conditions.

8.0 PLANNING POLICIES:

8.1 Section 38 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.

Development Plan

8.2 The development plan for Leeds comprises the adopted Core Strategy (2014), saved policies from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Development Plan Document (DPD), adopted January 2013.

8.3 The site is unallocated in the Development Plan, and is adjacent to the Leeds Habitat Network.

8.4 The following Core Strategy policies are relevant:

General Policy – Presumption in favour of sustainable development

SP1 – Location of development in main urban areas on previously developed land

P10 – High quality design

P12 – Good landscaping

H2 – New housing on non-allocated sites

H3 – Housing density

H4 – Housing mix

G4 – On-site greenspace for major residential developments.

T2 – Accessibility

EN5 – Managing flood risk

8.5 The following saved UDP policies are relevant:

GP5 – General planning considerations

N25 – Landscaping

BD5 – General amenity issues

LD1 – Landscaping

N24 - Proposal that about the Green Belt their assimilation into the landscape must be achieved if existing landscape features will not achieve this.

Supplementary Planning Guidance/Documents

8.6 The following SPGs and SPDs are relevant:

- SPG13 – Neighbourhoods for Living: A Guide for Residential Design in Leeds (including 2015 Memoranda)
- Street Design Guide SPD
- Parking SPD

8.7 Scarcroft Neighbourhood Plan

A Neighbourhood Plan is currently being developed for the village of Scarcroft. This is in draft form and therefore can be given limited weight. Relevant draft policies seek to ensure that development proposals respond to the specific character of a site and its surroundings; contribute to the local character and create a sense of place.

National Planning Policy

8.8 The National Planning Policy Framework (NPPF), published on 27th March 2012, and the National Planning Practice Guidance (NPPG), published March 2014, replaces previous Planning Policy Guidance/Statements in setting out the Government's planning policies for England and how these are expected to be applied. One of the key principles at the heart of the Framework is a presumption in favour of Sustainable Development.

8.9 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

DCLG – Nationally Described Space Standards

8.10 This document sets a nationally-defined internal space standard for new dwellings. The government's Planning Practice Guidance advises that where a local planning authority wishes to require an internal space standard it should only do so by reference in its local plan to the nationally described space standard. With this in mind the city council is in the process of gathering evidence in relation to the adoption of the national standard as part of a future local plan review. The housing standards are a material consideration in dealing with planning applications, however as this process is at a relatively early stage in Leeds, only limited weight can be attached to them at this stage. In any event, the proposed dwelling complies with the minimum space standards.

9.0 MAIN ISSUES

- Principle of Development
- Design, Character and Visual Amenity

- Residential Amenity
- Highways and Access
- Landscape
- Nature Conservation
- Drainage
- CIL Liability

10.0 APPRAISAL

Principle of Development

10.1 The proposal is to construct a single dwelling within the side garden of this residential plot. Permission has recently been granted to demolish the existing house at no. 17 and to construct a replacement dwelling on a similar footprint, thereby leaving the side garden open. This permission has yet to be implemented and remains extant. Sustainable Development is a key aspect of the current planning policy framework at both national and a local level. Spatial Policy 1 of the Core Strategy seeks to ensure that new development is concentrated in the residential areas, in order to ensure that shops, services and public transport are easily accessible. There are limited services within Scarcroft, while there are some bus services to Leeds and Wetherby on the A58. Policy H2 of the Core Strategy notes that housing on non-allocated sites will be acceptable in principle provided that the number of dwellings does not exceed the capacity of transport, educational and health infrastructure. Despite the limited range of services within the immediate village, the plot is located within an existing residential area and only proposes a single additional dwelling. In the wider context of the village, it is not considered that a single additional dwelling will overburden the capacity of local infrastructure. As such, the principle of developing the site for housing is considered to be acceptable. This dwelling will be built in the side garden of the original dwelling. Therefore, it is considered that this is a green field development.

10.2 The second part of Policy H2 states, amongst other things, that greenfield land should not be developed if it makes a valuable contribution to the visual and spatial character of an area. In respect of design and visual amenity, due regard should also be given to the National Planning Policy Framework in Paragraph 55 states that '*Local Planning Authorities (LPA) should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.* It is not considered that the residential garden makes a valuable contribution to the character of the area and, as will be discussed in the following section of this report, the proposed dwelling itself will not harm the special character of the area.

Design, Character, Visual Amenity

10.3 Manor Park and Hellwood Lane feature a mix of housing types but are generally characterised by their two storey form and traditional design. The space between dwellings is also an important characteristic of the area which gives the area a spacious rural feel. It is considered that the two storey scale of the dwelling and traditional design style are appropriate for this area and do not raise any concerns. The two storey scale of the dwelling is similar to many other dwellings in the street and the design of the dwelling will match the approved dwelling on the adjacent site, and therefore these aspects of the scheme are not a concern. The stone construction of the dwelling, as well as its simple shape and form, will allow the proposal will tie in with the character of the area.

- 10.4 Many of the objectors have commented that the site is too small to fit an additional dwelling within the site (to that already approved) and that the limited space between the proposed dwellings results in the development appearing cramped on the site. A separation distance of 4.3m will be retained between the proposed and the recently approved dwelling and 10m will be maintained at first floor level as the replacement dwelling includes a side attached garage. To the other side, a distance of 4.8m would separate the proposed new dwelling and the existing dwelling at no. 21. It is considered that these separation distances exceed the Council's guidance and are more than sufficient to ensure that the proposed will not harm the spatial character of the area and to ensure that the site does not appear over-developed.
- 10.5 Given the site abuts the open Green Belt to the north and east, in accordance with Policy N24 of the UDPR, a landscape buffer is required to assimilate the development into the surrounding landscape, if one does not already exist. It is considered the existing vegetation present to the north and beyond the eastern site boundary is more than adequate to ensure the proposed development will assimilate into the landscape and therefore no additional buffer is required.

Residential Amenity

- 10.6 The development is considered to provide a reasonable standard of amenity for future occupants. All habitable rooms will receive adequate levels of daylight and sunlight, have a good level of outlook and the rooms are of a good size. The proposed dwelling will be served with two parking spaces which have been accepted by the Highways Officer as being of an adequate dimension. The garden areas proposed are of a reasonable size and meet the guidance provided with Neighbourhood for Living.
- 10.7 With regard to internal space standards the submitted plans show a scheme that exceeds the requirements set out by the technical guidance.
- 10.8 The development would not have a harmful impact upon the amenity of surrounding residents. The proposed windows will generally not overlook the private areas of any dwellings. The proposal will keep a distance of 4.8m from the boundary No.21 and will not project beyond its rear elevation. It is considered that the gap maintained from No.21 is adequate to ensure issues of dominance or over-shadowing are avoided.
- 10.10 In terms of the specific issues raised from the neighbour residing at No.21 relating to overlooking, as there are no windows that directly face No.21 it is not considered that the proposal will affect the privacy of No.21.

Highways

- 10.11 Many of the objectors have complained that the proposal will give rise to traffic issues and issues of highway safety. It is considered that the addition of a single dwelling will not give rise to significant issues of traffic and congestion in the area.
- 10.12 The Highways Officer along with a number of residents have however commented that Manor Park has poor pedestrian accessibility, as the private road is not in a good state of repair and the roads leading up to the site are not lit and do not have dedicated pedestrian facilities. The Highways Officer also comments that the proposal conflicts with the Street Design Guide (SDG) in so far as Manor Park currently serves more than five dwellings and is not built to adoptable standards.

10.13 Manor Park currently serves 13 dwellings, plus 6 dwellings from Hellwood Lane, making 19 dwellings in total, which is a number far above the restriction placed on private roads by the Street Design Guide. As Manor Park has served a good number of dwellings for a number without years without causing any known harm to pedestrians and the Highways Officer has not highlighted any incidents where pedestrians have been harmed by vehicles using the road, it is considered that the refusing the scheme on the grounds highway safety issues cannot be justified. Furthermore, Manor Park and Hellwood Lane is a fairly quiet road located a short distance away from the adopted highway (Wetherby Road) and therefore it is considered that pedestrians should be able to easily and safely navigate the private road and reach the adopted highway without significant conflict with vehicle users. Therefore, it is considered that the guidance contained within the Street Design Guide and the Highways Officer's objection cannot be sustained in this instance based on the individual merits of the case.

Landscape

10.14 A number of objectors have commented that the dwellings will be set close to trees and the Landscape Officer initially stated that further plans are required that show the trees plotted accurately. The tree report concludes that there are no trees that require removing as a result of the development and it is confirmed from the assessment made by the Case Officer on the site visit that trees will not be harmed as a result of the development. Some trees on the site have been removed, but these were agreed with the Landscape Officer under a separate tree works application (15/02273/TR). Therefore, it is not considered that the proposed development poses a significant threat to trees within the site.

Nature Conservation

10.15 The bat survey submitted shows that there is a bat roost within the existing building. The issues relating to the bat roost was dealt within under the approved scheme. It is considered that the proposed dwelling, will not harm the local bat population. The Nature Conservation Officer has assessed the scheme and has raised no concerns.

Drainage

10.16 The scheme has been assessed by the Drainage Officer who has raised no concerns.

CIL Liability

10.17 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12th November 2014 and was implemented on the 6th April 2015. The application site is located within Zone 1, where the liability for residential development is set at the rate of £90 per square metre (plus the yearly BCIS index). This proposal generates a CIL requirement of £21,230. Infrastructure requirements associated with this application are unknown. This is presented for information only and should not influence consideration of the application. Consideration of where any CIL money is spent rests with Executive Board and will be decided with reference to the 123 list.

Public Representations

10.18 The objections received relating to the harm to the character of the area, highway safety, trees and the impact on neighbouring residential amenity has been addressed

in the report. The issues that have not yet been addressed will be addressed in the following paragraphs.

- 10.19 The concerns raised relating to the private road not being suitable for use by heavy vehicles and the issues relating to working practices, is noted. It is considered that the access to and from the site is possible for a medium size vehicle and given that this is a small development, it is unlikely that larger vehicles will be used during the construction process. Furthermore, conditions are recommended to be imposed to ensure the loading and unloading of vehicles takes place safely within the site. A condition is also recommended to ensure any damage to the private road is repaired.
- 10.20 The comments made that the proposed construction works will cause disturbance, is noted. However, the disturbance caused will be for a limited period which will not cause significant levels of disturbance to the lives of local residents.

11.0 CONCLUSION

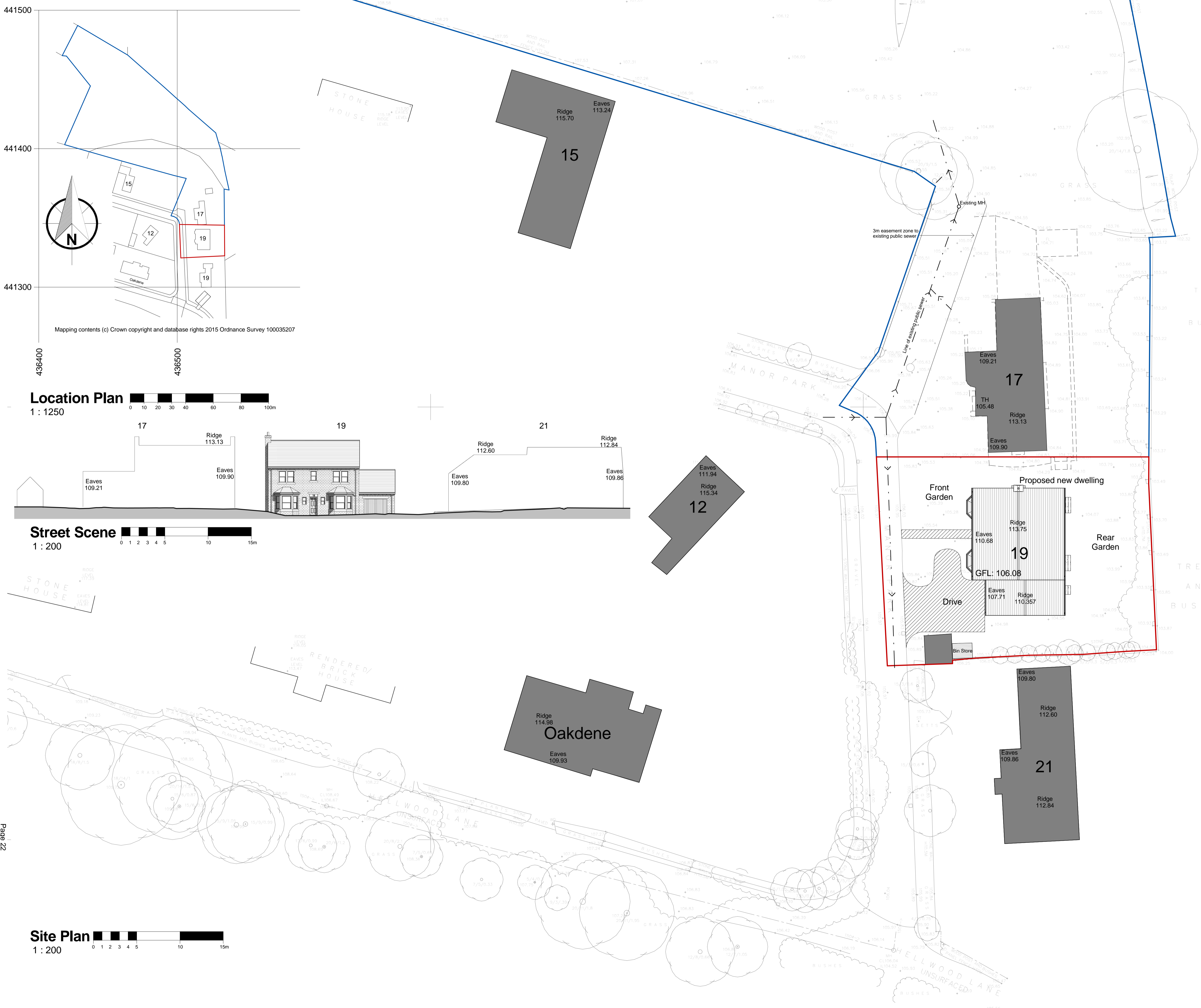
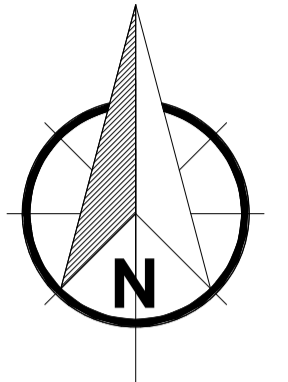
- 11.1 It is considered that the proposed development is acceptable in principle and will not have an adverse impact upon the character of the area. There are no significant concerns relating to highway safety or to the loss of trees within the site. Therefore, it is considered that the proposal compiles with planning policy guidance and it is recommended that planning permission should be granted, subject to the conditions set out at the head of this report.

Background Papers:

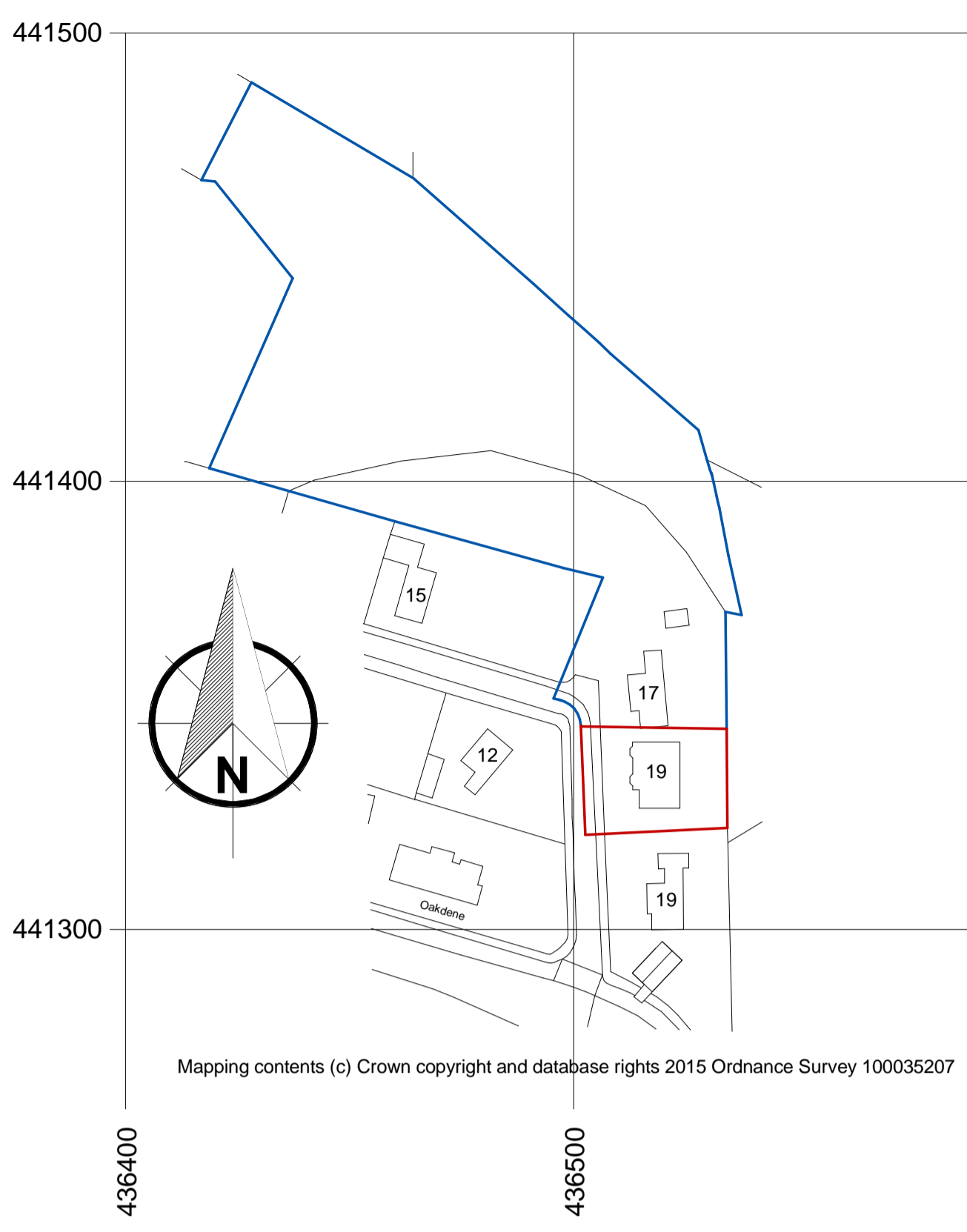
Application files: 16/05784/FU

Certificate of ownership: Certificate A signed by Applicant Mr D. Gale

- Notes:-
- Do not scale this drawing. Only figured dimensions are to be taken off this drawing.
 - All dimensions are to be verified on-site and PTA must be informed of any discrepancies.
 - This drawing is copyright and for use on the project only.
 - This drawing is to be used solely for the information titled. For other information refer to the specification, cross referenced drawings and the Health and Safety plan.
 - Construction staff and operatives must ensure the principal contractor has provided thorough and accurate information on all Health and Safety aspects relating to the designs identified on this drawing including the review of:-
Designers/contractors risk assessments, method statements, permit to work and preconstruction information.



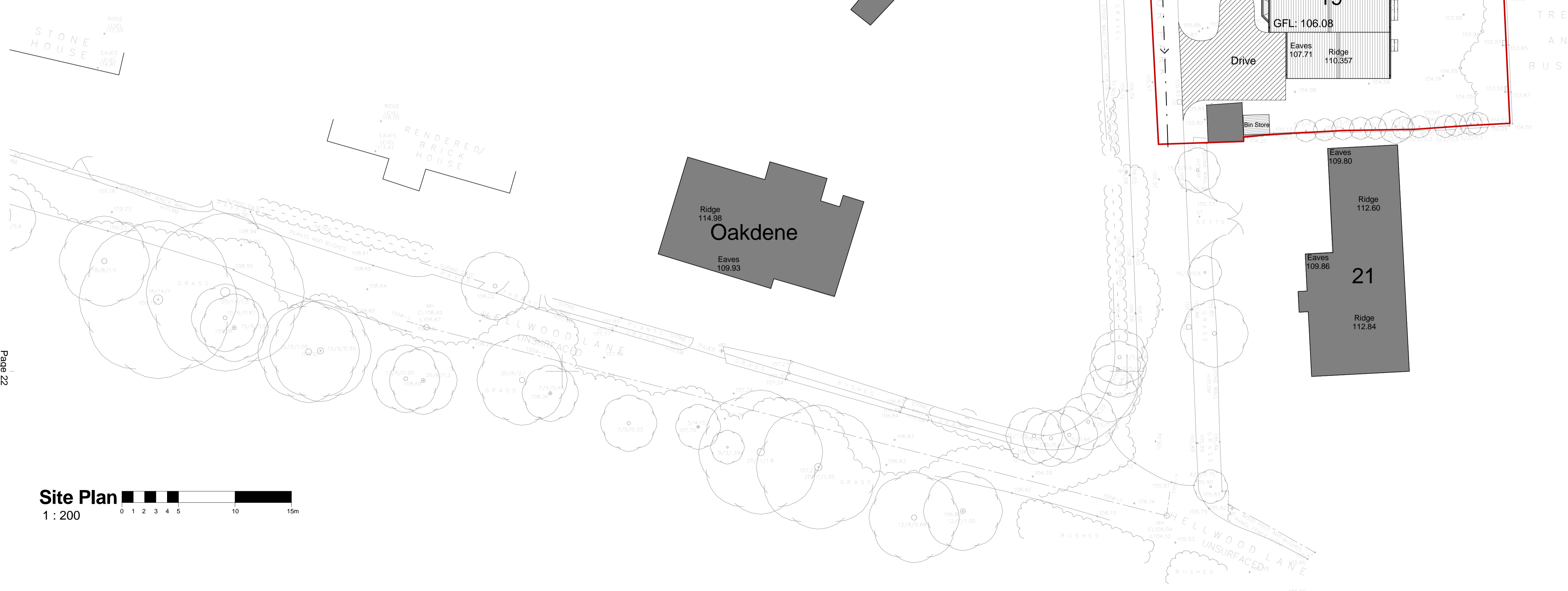
No. 19
 Gross internal floor area for house (excluding garage) = 203m²
 Total garden area = 413m²
 2/3rd of gross internal floor area = 135m²



Location Plan
 1 : 1250



Street Scene
 1 : 200



Site Plan
 1 : 200

First issue 20/07/16

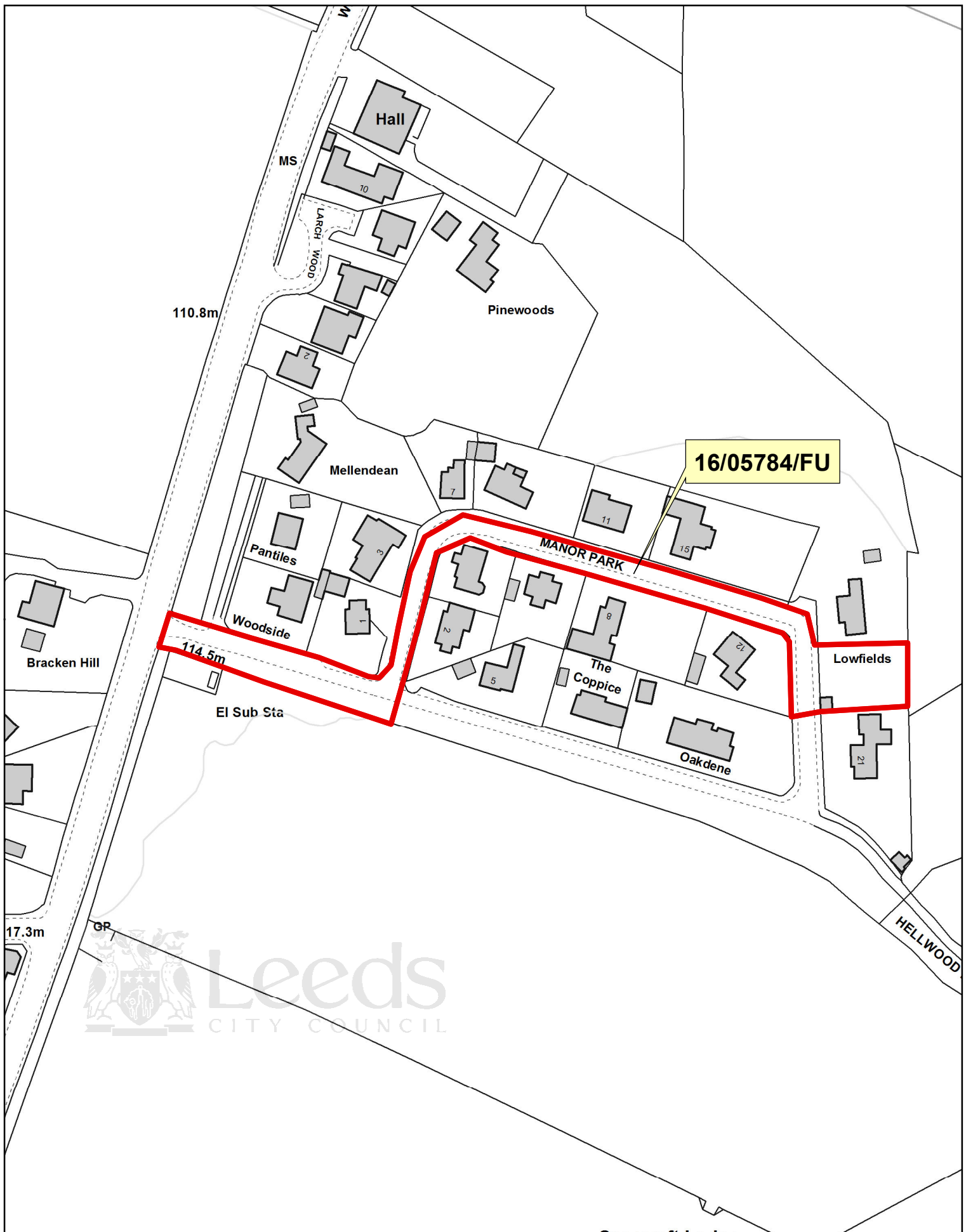
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<input type="checkbox"/>	record	<input type="checkbox"/>

Philip Thompson Associates
 Deern House - Audby Lane
 Wetherby - LS22 7ED
 01937 586846

Project
**Lowfields
 19 Manor Park
 Scarcroft
 LS14 3BW**

Drawing
Proposed Site Plan, Location Plan & Street Scene

Drawn by	Checked by	Date	Scale @ A1
AR	PT	JUL 16	As indicated
Project Number	Drawing Number	Revision	
1533	P202	#	



NORTH AND EAST PLANS PANEL



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Originator: David B Jones

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 9th February 2017

Subject: 16/06524/FU – Change of use at ground floor from Bank (A2) to hot food takeaway (A5), with new shop front and extract flue to rear at 28 Austhorpe Road, Leeds, LS15 8DX

APPLICANT

Mr S Roberts

DATE VALID

6th October 2016

TARGET DATE

10th February 2017

Electoral Wards Affected:

Cross Gates & Whinmoor

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 specified conditions:

1. Time limit
2. Development to comply with approved plans
3. Details of bin provision
4. Hours of opening 09.00 to 23.30 (Mon to Sat) and 23.00 (Sun & Bank Hols)
5. Servicing to take place after 9.00am.
6. Extraction equipment to be installed
7. Sound insulation scheme, between the HTFA and first floor
8. Plant and machinery details
9. Grease trap provision
10. No customer deliveries from the premises

1.0 INTRODUCTION

- 1.1 The application proposes a Change of use at ground floor from Bank (A2) to hot food takeaway (A5), with new shop front and extract flue to the rear. The application is reported to Plans Panel at the request of Councillor Peter Gruen on the grounds

of highway safety, impact on residential amenity and proliferation of hot food take-aways which will give rise to concerns affecting more than neighbouring properties.

- 1.2 A planning application for the change of use of vacant first and second floor former offices to three flats also appears on the Plans Panel agenda (16/05597/FU).

2.0 PROPOSAL:

- 2.1 This application seeks permission for a change of use at ground floor from Bank (A2) to hot food takeaway (A5), with new shop front and extract flue to the rear. The takeaway will occupy the ground floor only (with the upper floors proposed for conversion into three flats (subject of a separate planning application ref. no. 16/05597/FU)).
- 2.2 The hot food take away proposes a closing time of 23.30hrs (Mon-Sat) and 23.00 hrs on Sundays and Bank Holidays.
- 2.3 Bin storage and cycle parking would be to the rear of the property.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site refers to vacant ground floor previously occupied as offices (bank). The unit is located with a shopping parade fronting Austhorpe Road and is designated as Primary Shopping Frontage within the town centre at ground floor. The rear of the property abuts the Cross Gates shopping centre car park, with the applicant having a pedestrian right of way to the rear. There is a yard to the rear of the property where it is proposed to locate the bin storage area.
- 3.2 The adjoining property at No. 30 is Costa Coffee, with retail at ground floor with toilets at first floor. On the other side, at No. 26, the ground floor is a bookmakers with offices above. The shopping frontage is dominated by charity shops, with Costa Coffee, hairdressers and off licence adding to class A1 units, with a bookmakers, amusement arcade and Yorkshire Bank also in the parade.
- 3.3 The immediate area is commercial in character, with residential beyond.
- 3.4 To the front of the application property is a pedestrian crossing and associated carriageway restrictions. The application site is located within a commercial/retail location and adjoining first floors also appear to be in office use.
- 3.5 The site is located within the Cross Gates P1 town centre boundary (Core Strategy).

4.0 RELEVANT PLANNING HISTORY:

On-site (within town centre)

- 4.1 16/05597/FU- Change the use of vacant offices on the first and second floors of the building to three residential flats. Currently undetermined, and appears elsewhere on the Plans Panel agenda.
- 4.2 09/03414/FU - Installation of cash machine to front of Building Society. Approved 29.09.2009.

Off-site

4.3 54 Austhorpe Road

16/07317/FU - Variation of condition 4 of approval 15/04497/FU to allow opening hours to be 11:00 - 00:00 hours Sunday - Thursday, 11:00 - 02:00 hours Friday, Saturday and Bank Holidays. Refused 17.01.17 on the grounds of likely harm to interests of residential amenity.

- 4.4 15/04497/FU - Change of use and alterations of ground floor restaurant (use class A3) to take away hot food shop (use class A5). The opening hours of the premises are restricted to 08.00 to 23.30 hours Monday to Saturday and 12.00 to 23.00 hours on Sundays and Bank Holidays. Approved 22.09.2015.

31 Austhorpe Road

- 4.5 07/00970/FU - Change of use of shop to hot food take away. The opening hours of the premises are restricted to 0800 hours to 2330 hours Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays. Approved 07.06.2007.

6 Back Austhorpe Road

- 4.6 32/12/03/FU - Change of use of shop to take away hot food shop and restaurant. The opening hours of the premises are restricted to 0800 hours to 2330 hours Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays. Approved 01.04.2003.

26 Austhorpe Road

- 4.7 Change of use from Shops (A1) to Betting Shop (A2). Allowed on appeal. The premises shall not be open for customers outside the following hours: -
08:00 to 22:00 on Mondays to Saturdays ;09:00 to 22:00 on Sundays and Bank Holidays.

24 Austhorpe Road

- 4.8 16/07509/FU - Change of use and alterations of first and second floor office and storage to one flat including rear dormer window. Approved 17.01.17.

- 4.9 13/03256/FU - Change of use from Class A1 (shops) to Class A2 (financial and professional services). Refused 05.09.2013 on the grounds of loss of retail frontage.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Revisions to the external flue have been sought to achieve compliance with relevant Defra guidance.

6.0 CONSULTATIONS:

- 6.1 Highways – In view of the site location in the centre of Cross Gates (which has wide ranging Traffic Regulation Orders that control and restrict parking) and the small size of the existing commercial use a highway objection to the change of use would be difficult to justify in terms of having a material impact. Conditions recommended.
- 6.2 Flood Risk Management – Change of use would not result in any changes to surface water drainage arrangements. No objection.
- 6.3 Health & Safety Executive – site falls within the consultation zone but the HSE do not advice against the granting of planning permission on safety grounds in this case.

6.4 Environmental Protection Team – There is potential for disturbance to existing and future residents in relation to noise and odour. Noise from plant and extract equipment to be below background levels and Defra guidance for extraction equipment to be followed. Conditions recommended if minded to approve.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by Site Notice, dated 28th October 2016. Revised plans have been advertised by Public Access. The following representations have been received.

Cross Gates Watch

7.2 There is no parking for customers nor any drop-off point for deliveries.

7.3 Space to the rear is restricted and cannot accommodate appropriate parking to serve the takeaway, the proposed flats and the required bin storage.

7.4 The proposed hours of opening are excessive, are greater than those restricted by planning conditions elsewhere in the centre and would adversely impact on residential amenity. The extract ventilation equipment will be noisy and impact on the nearby flats.

7.5 There is potential for disturbance to existing and future residents in the vicinity by noise made by patrons entering and leaving the premises per se and then, perhaps, congregating on the street, and from customers parking outside existing residential properties: the slamming of car doors, radios, beeping, voices, etc.

7.6 Litter and infestation by vermin.

7.7 Inadequate provision for deliveries. Transport Development Services observe that without dedicated off-street parking the use of delivery vehicles would not be appropriate.

7.8 The parking requirement for A5 uses is three times greater than that for A2 uses. Accordingly the Transport Development Services' response "In view of the ... existing commercial use it is considered that a highway objection to this proposal would be difficult to justify" is wrong. The proposal is contrary to the Council's Parking Guidelines.

Adjoining occupier at 26 Austhorpe Road

7.9 The tenant at No. 26 has the benefit of a lease for the rear car park of the adjoining property at 26 Austhorpe Road and there is no current right of way that has been agreed by the Landlord in the lease for a third party to gain access for parking purposes over my client's land to 28 Austhorpe Road. As it exists at the moment, the current access to rear of 28 Austhorpe Road is too narrow to gain vehicular access for delivery parking etc., without access over that land which is not currently permitted. Therefore as it currently stands there can only be legal access for takeaway deliveries etc from the front of the building.

Local residents (16 local households)

7.10 This application should be refused as at the present time there are 2 fish shops, 3 daytime sandwich shops, 5 restaurants (evening openings), 5 evening takeaway premises, 2 Public houses serving food all day, 5 daytime coffee shops which also serve food and have takeaway facilities and 1 ice cream parlour. Another takeaway could not possibly "enhance the vitality and viability of the area".

- 7.11 The area needs a more diverse selection of shops which would also promote economic growth as mentioned in the National Planning Policy Framework.
- 7.12 The premises may have been suitable for a bank. They are not suitable for a takeaway.
- 7.13 Cross Gates is not a town centre; it is a suburb of Leeds and is mainly residential.
- 7.14 There are no parking and delivery facilities at the front of the building to allow the operation of a takeaway business. Parking and delivery facilities at the rear of the building would be very limited. The proposal will exacerbate existing parking problems.
- 7.15 Cross Gates is an extremely busy shopping area and this generates extra traffic on an already very busy main road. Traffic jams causing tailbacks onto Station Rd and the Ring Road are daily occurrences and accidents have occurred, including deaths.
- 7.16 The premises are very close to a Pedestrian crossing and this will make stopping for whatever reason dangerous.
- 7.17 There is the potential for intrusive and distracting noise: customers entering and leaving the premises and congregating on the street; customers parking outside and near residential properties. This would be particularly bad in summer when residents' windows are open for ventilation.
- 7.18 The current takeaways we already generate too much rubbish. It encourages rats and other vermin. Every time one opens the hours allowed to operate are getting later and later. It is not necessary. These hours encourage people who have been drinking to call into them. If the customers are intoxicated they are rowdy causing unnecessary noise and disturbances for residents who live nearby.
- 7.19 Hot food establishments contribute to obesity.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.
- 8.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:
- 8.3 Core Strategy:
 T2 – accessibility
 P1 – identify town centres
 P2 – acceptable uses in a town centre.
 P10 - Design
- 8.4 UDP

The most relevant saved policies from the Leeds Unitary Development Plan Review are outlined below:

GP5 - Development control considerations including impact on amenity and highway safety

SF7 – Shopping Frontages (Primary)

Other Planning Policy:

- 8.5 The Street Design Guide Supplementary Planning Document was adopted by the Council in August 2009 and includes guidance relating to highway safety and design.

National Planning Policy

- 8.6 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. 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.

- 8.7 Paragraph 23 of the NPPF is of particular relevance to this proposal, it states:

“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- Recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- Define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- Define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- Promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- Retain and enhance existing markets and, where appropriate, reintroduce or create new ones, ensuring that markets remain attractive and competitive;
- Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- Allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- Set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- Recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.”

9.0 MAIN ISSUES

1. Principle of development
2. Impact on residential amenity
3. Highways Implications
4. Impact on visual amenity

10.0 APPRAISAL

Principle of development:

- 10.1 The site is within Cross Gates, which is designated as a Town centre in the Development Plan under Core Strategy policy P1. As such, Policy P2 is applicable, which states:

“Town centres offer shopping and services intended to meet weekly and day-to-day requirements. The uses set out below are acceptable in principle in and will be directed towards the centres listed in Policy P1 (which includes Cross Gates).

- Shops, supermarkets and superstores,
- Non-retail services,
- Restaurants and cafes, drinking establishments and hot food takeaways,
- Intensive leisure and cultural uses including theatres, museums, concert halls, cinemas, leisure centres, gyms and hotels,
- Health care services,
- Civic functions and community facilities,
- Offices,
- Housing is encouraged in centres above ground floor in the primary and secondary shopping frontages, or outside the shopping frontages, providing it would not compromise the function of the town centre.”

- 10.2 A hot food take away is an appropriate town centre use, under Policy P2. In terms of shopping frontage policy, the site is within the Primary Shopping Frontage as identified by policy SF7. This policy seeks to “ensure that these frontages continue to fulfil their essential role of providing convenient and accessible shopping facilities.” (para. A12.3.2 Vol2 UDP). In this case, however, there is no harm to shopping frontage policy as the previous use was as Class A2 (a bank), rather than a Class A1 use. In any case, even if the property was previously in Class A1 use, the specific shopping frontage is dominated by charity shops, with Costa Coffee, hairdressers and off licence adding to class A1 units, with a bookmakers, amusement arcade and Yorkshire Bank also in the parade. Class A3, A4 and A5 units are absent from the immediate shopping frontage. In terms of the local impact therefore noting the frontage policies operate on a parade by parade basis, there would be no objection in principle to a hot food take away in this location.
- 10.3 There are no policies within the development plan, other than shopping frontage policies which restrict the overall numbers of hot food establishments within town centres.
- 10.4 Accordingly, it is considered that the proposed takeaway use is acceptable in principle subject to other more detailed considerations which are appraised below.

Impact on residential amenity:

- 10.5 General Policy GP5 sets out normal development control considerations and identifies the objectives it seeks to secure in terms of avoiding problems with environmental intrusion, loss of amenity, pollution, danger to health or life, highway congestion, promotion of energy conservation and prevention of crimes.
- 10.6 The application site lies within a commercial/retailing area although there are residential flats proposed (subject to outstanding application) to the upper floors of the property and it is recognised that future occupants would have a reasonable expectation that some level of disturbance from the commercial activities surrounding would occur.
- 10.7 The proposed hot food takeaway is to open 7 days a week, and late in the evening. The principal entrance to the property is from the front (facing Austhorpe Road) and therefore the general comings and goings at the site will take place at the commercial front. Given these circumstances, it is considered that subject to appropriate controls on opening hours the proposed hours of opening will not present serious or unexpected amenity issues for the upstairs residences. Further conditions are recommended in respect of sound insulation and details of the extract ventilation equipment to ensure the internal living environment of the neighbouring flats is respected. Furthermore, a revised plan has already been submitted which shows an increase in the height of the proposed flue to the rear to accord with the guidance contained within the relevant Defra guidance so as to address any cooking odours issues. The Environmental Protection Officer is supportive of this approach and accordingly officers consider this aspect of the development can be adequately controlled by conditions.
- 10.8 The application property has a yard area to the rear to accommodate bins and provide access to the kitchen area. The yard area is considered to be of reasonable size which given some organisation could accommodate an adequate area for bin storage and maintain access to the kitchen meaning that the activities associated with the operation of the business could be contained within the confines of the site and not be unduly disruptive to adjoining uses. The rear yard abuts a commercial car park, and there are no other residential uses at ground floor level.

Highways implications:

- 10.9 The application site has an established office use which generated its own car parking demand. The representations received and the relevant parking requirements are acknowledged, however the Council's parking SPD (Table 1) states that outside the Leeds city centre 'Core' and 'Fringe' the expected number of car parking spaces is 1 space per 3sqm of GFA. The accompanying text at paragraph 9.4.1 states:-
- "Outside the Core and Fringe, the standards define the expected levels of parking, allowing for flexibility for reduced or increased parking dependant on the individual location, expected levels of car ownership, public transport accessibility, walking catchment, and specific end user. It should be noted that significant departures from the expected levels of parking may be accepted where clear and justifiable reasons can be demonstrated and that there will be no detrimental impact on surrounding streets".
- 10.10 In view of the nature of the application which is a change of use of a small existing commercial unit it cannot be demonstrated that the application would have a material impact on the Cross Gates Centre.
- 10.11 Additionally, the NPPF states that:

“Developments should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

- 10.12 The applicant has also agreed to carry out deliveries after the morning peak, i.e. after 9.00am. There are currently no restrictions on when deliveries can take place, therefore, this is a benefit which needs to be taken into account in the decision making process.
- 10.13 The poor accident record along Austhorpe Road highlighted by objectors is acknowledged by highways, and has been given full consideration in the assessment of the application.
- 10.14 With all of this in mind, there is no objection to the proposal on highway safety grounds. Although concerns have been expressed from local residents and a Ward Councillor about the number of such outlets within the town centre already and that they run counter to the wider health agenda which is a material planning consideration, Members may recall similar issues were raised and debated as part of the previous Panel meeting in January when a similar hot food takeaway application was considered in Town Street, Garforth. In response, officers advised supplementary guidance was in the process of being developed to address these concerns but it was at a very early stage and accordingly could be afforded no real weight at this time. In respect of the impending guidance, the first draft is due to be considered by Development Plans Panel on 7th March 2017.

Impact on visual amenity:

- 10.15 The proposed flue is to the rear of the site, abutting a large car park, albeit which contains an entrance into the Cross Gates shopping centre. It is considered that being to the rear of the premises, a proposed flue is reasonable within the commercial setting, and would not be visible from Austhorpe Road which is the main public thoroughfare. It is noted that there are other similar flues to the rear of premises along the Austhorpe Road frontage.
- 10.16 The proposed shopfront is an aluminium shopfront, with reasonable proportions and design. The proposed illuminated sign would need to be subject to a separate application for advertisement consent but its general positioning and size relative to the shop front is considered to be acceptable.
- 10.17 It is considered there would be no harm to interests of visual amenity, and the proposal accords with Core Strategy Policy P10.

CIL

- 10.18 The development is not liable for CIL, as the proposal is a change of use application.

11.0 CONCLUSION:

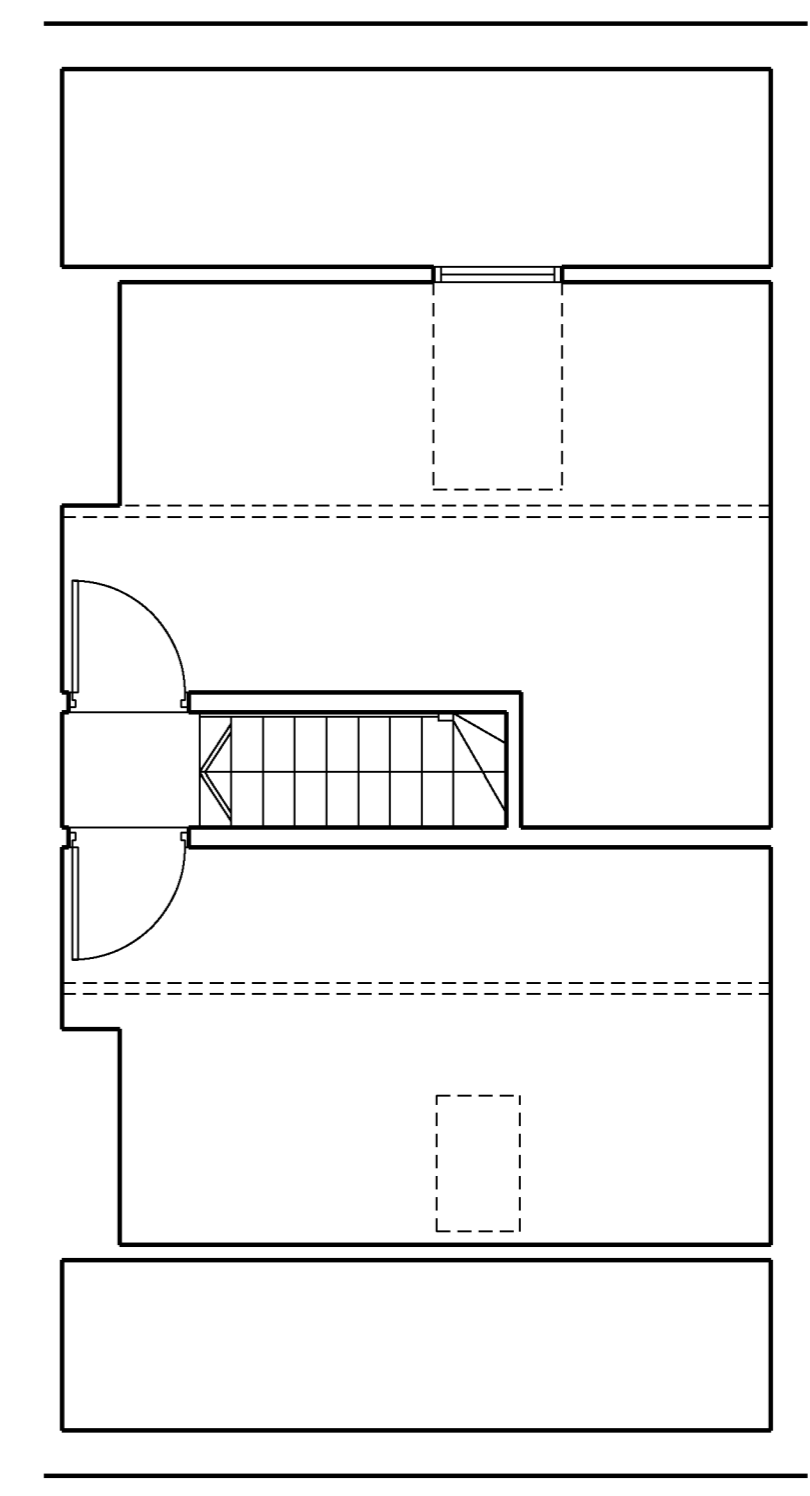
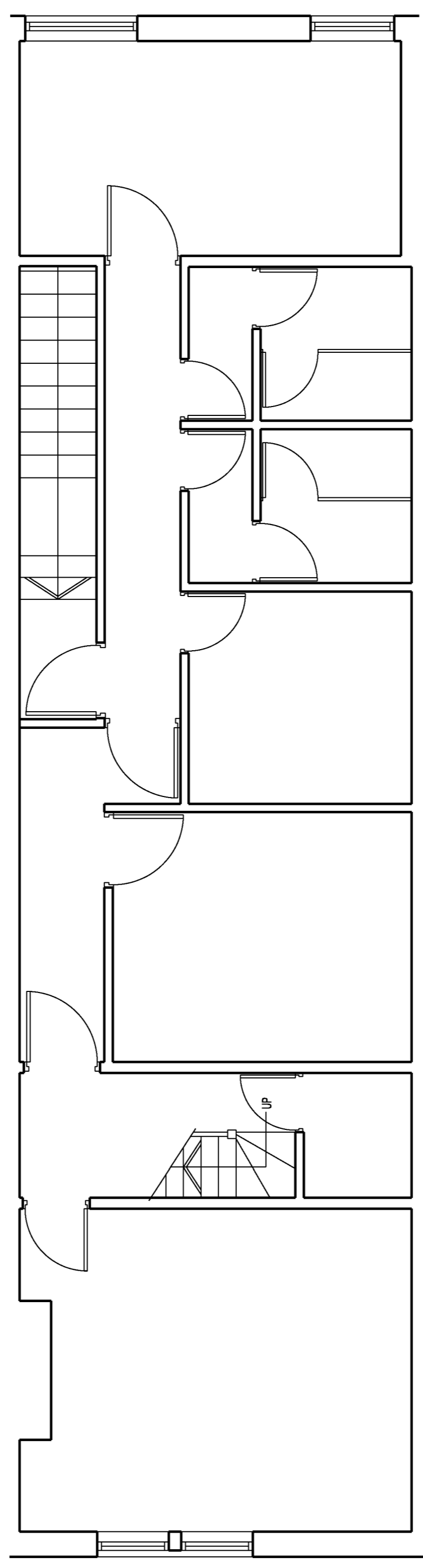
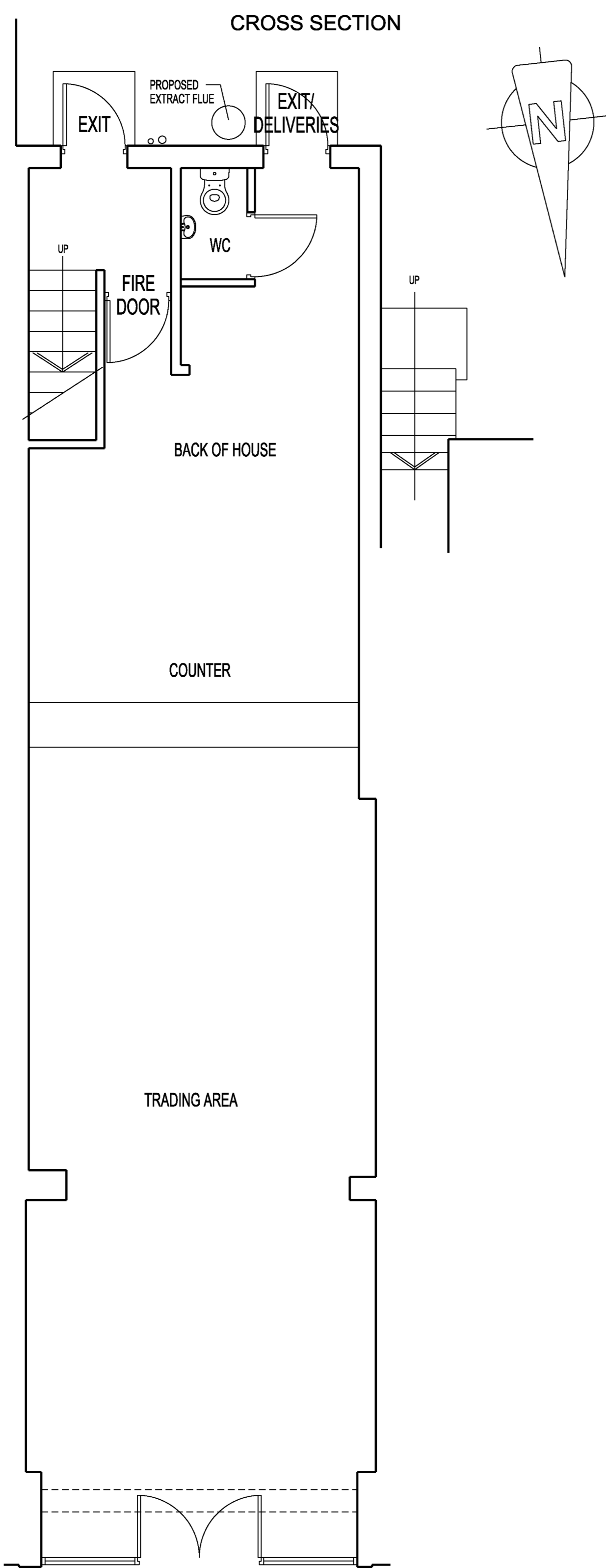
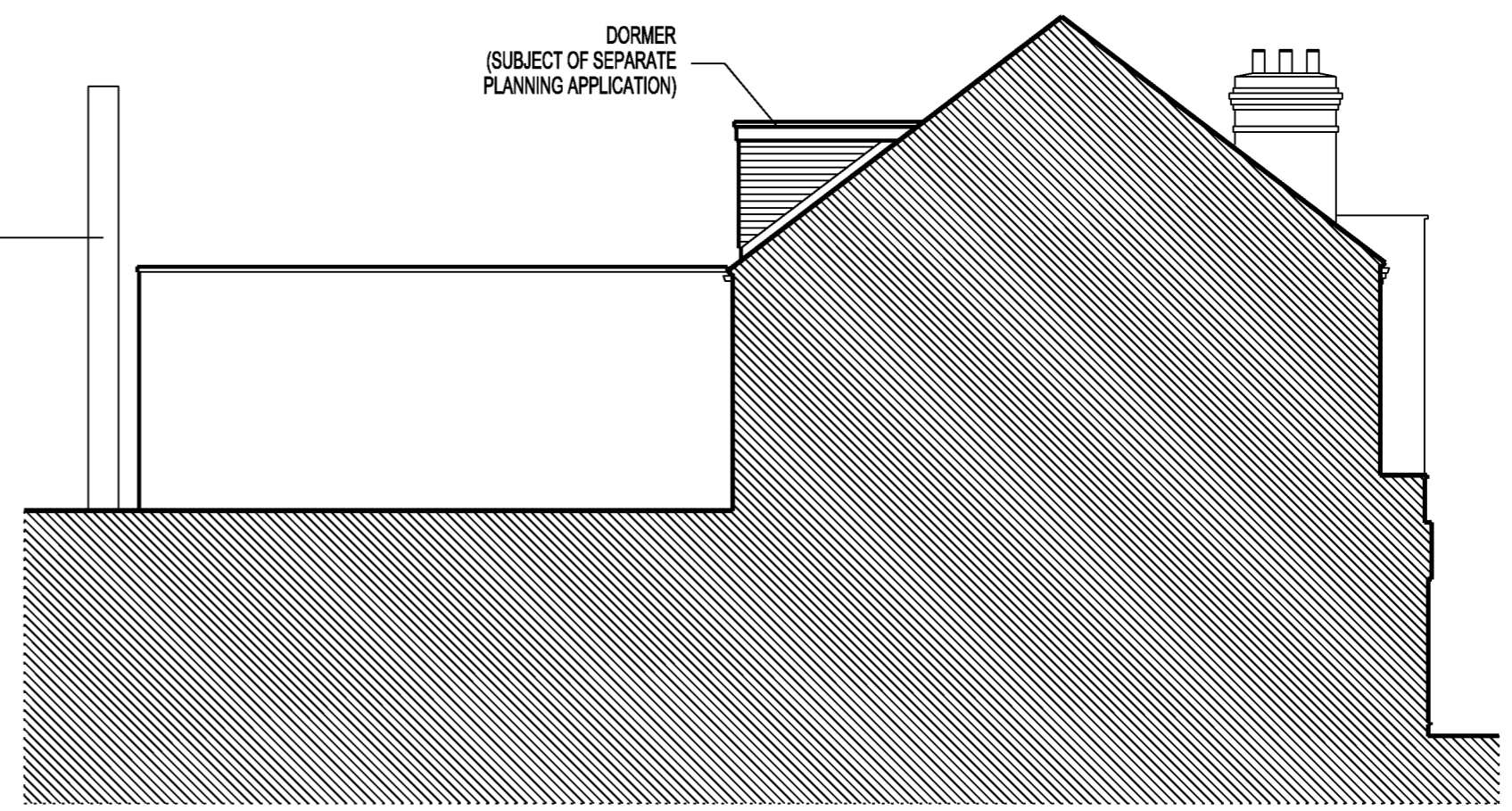
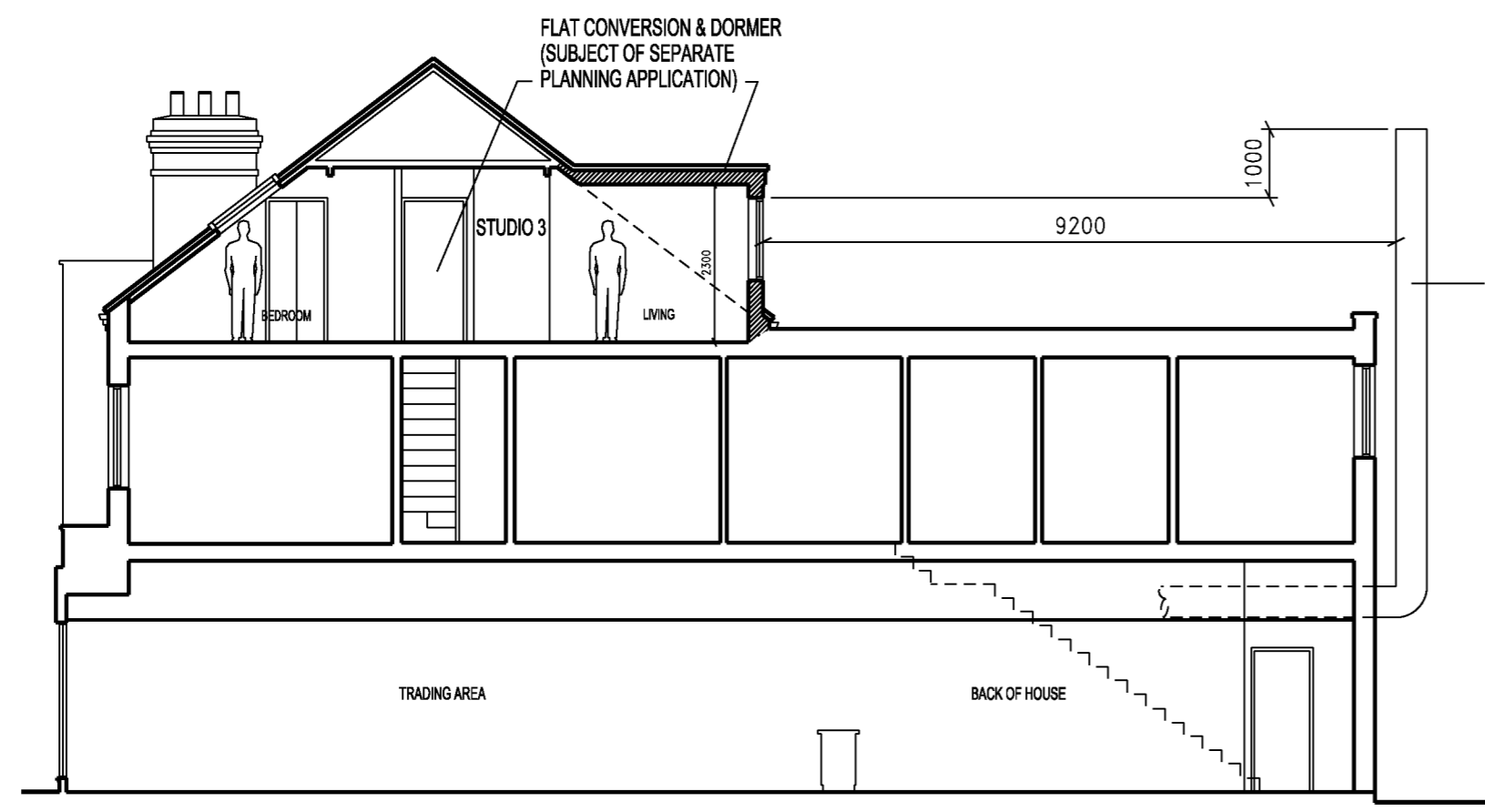
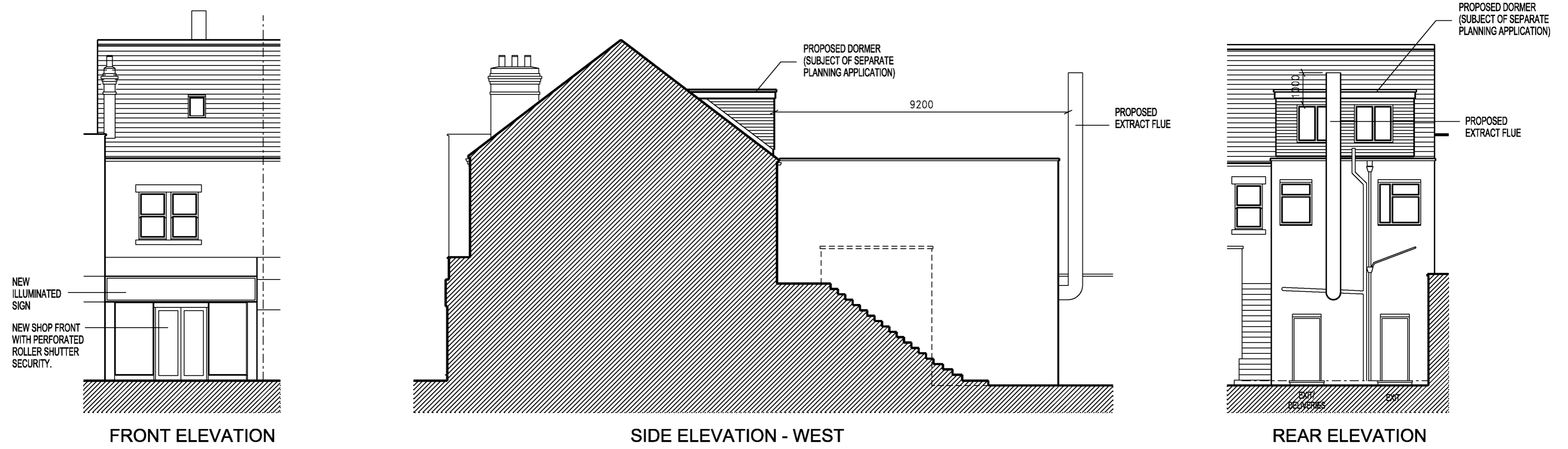
- 11.1 Overall, the proposed development will not result in any greater loss of retail in this particular frontage of the Cross Gates town centre. The nature of the use, in its context within an identified town centre is considered to be compatible, without creating undue problems in terms of the residential amenity of neighbouring and/or nearby occupiers. No parking is proposed but no highway objection is raised given the previous use and its town centre location. The position of the extraction ventilation equipment will not adversely impact on the appearance of the property. Accordingly,

the proposals are considered to be acceptable and to comply with policies P2, P10, SF7 and GP5 and are therefore recommended for approval, subject to conditions.

Background papers:

Application files: 16/05587/FU & 16/06524/FU

Certificate of Ownership: Mr S Roberts



NOTE:
 DETAILS OF ANY EXTERNAL EXTRACT VENTILATION SYSTEM SHALL BE SUBMITTED AND APPROVED IN WRITING BY THE LPA PRIOR TO ITS INSTALLATION.

A SOUND INSULATION SCHEME DESIGNED TO PROTECT THE AMENITY OF EXISTING NEARBY OCCUPANTS AND FUTURE OCCUPANTS OF THE PROPOSED RESIDENTIAL DEVELOPMENT FROM NOISE EMITTED FROM THE PROPOSED A3 USE. THIS SCHEME SHALL BE SUBMITTED TO LPA AND APPROVED PRIOR TO CONSTRUCTION.

PLANT & MACHINERY SHALL NOT OPERATE UNTIL A SCHEME TO CONTROL NOISE EMITTED FROM THEM HAS BEEN APPROVED IN WRITING BY THE LPA AND INSTALLED AS APPROVED.

GROUND FLOOR PLAN

FIRST FLOOR PLAN

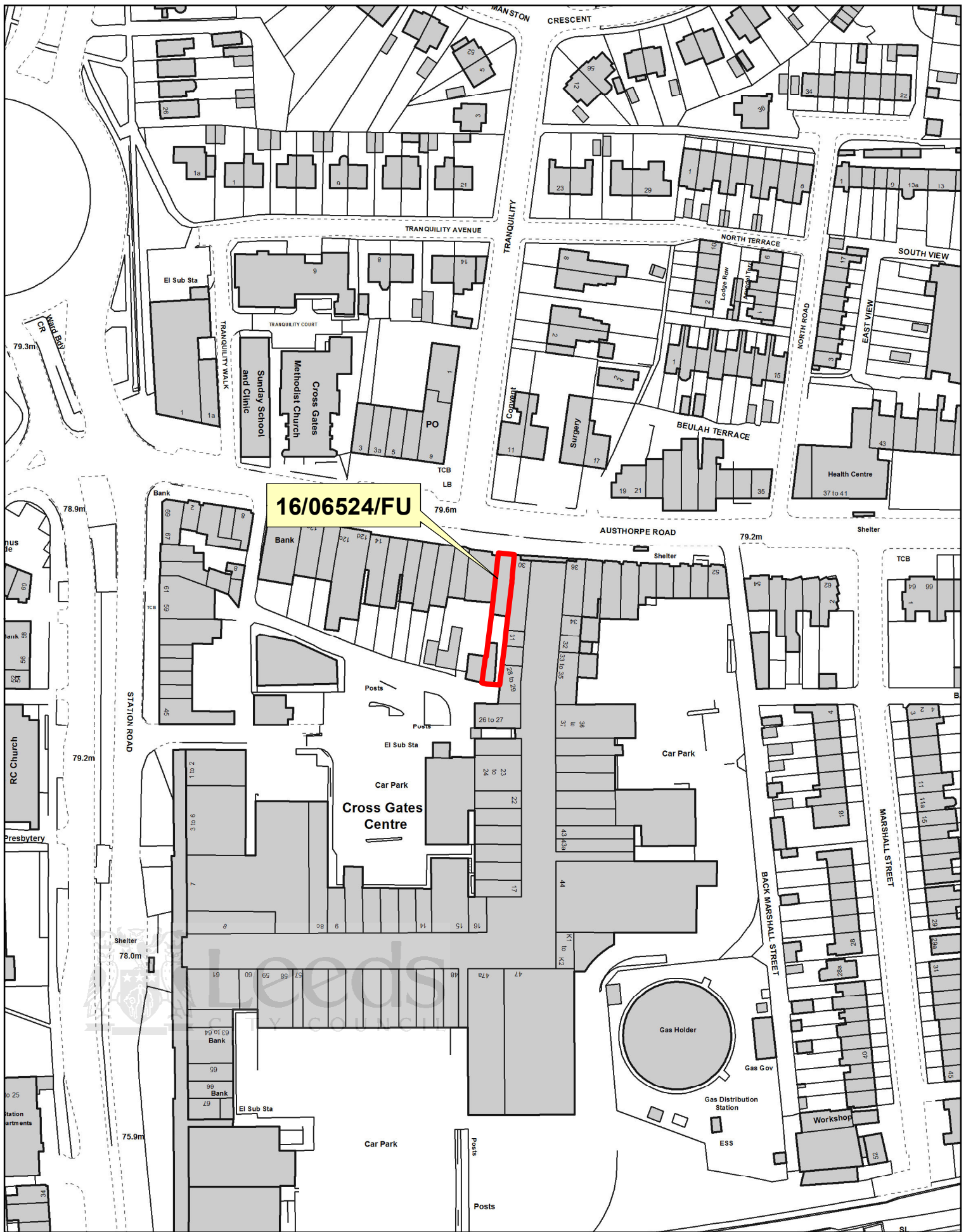
SECOND FLOOR PLAN

PROPOSED - A3 UNIT (GROUND FLOOR)

28 AUSTHORPE ROAD, CROSSGATES, LEEDS

SCALE 1:50 @ A1 1:100@A3

REVISION B



NORTH AND EAST PLANS PANEL





Originator: David B Jones

Tel: 0113 222 4409

Report of the Chief Planning Officer

PLANS PANEL NORTH & EAST

Date: 9th February 2017

Subject: 16/05597/FU – Change of use of vacant first and second floor former offices to three flats (Use Class C3), with new dormer window to rear at 28 Austhorpe Road, Leeds, LS15 8DX

APPLICANT

Mr S Roberts

DATE VALID

6th October 2016

TARGET DATE

10th February 2017

Electoral Wards Affected:

Cross Gates & Whinmoor

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 specified conditions:

1. Time limit
2. Development to comply with approved plans
3. Details of sound insulation
4. Provision of outdoor amenity space to top floor flat
5. Details of bin/cycle parking provision
6. Dormer materials to match main roof

1.0 INTRODUCTION

1.1 The application proposes a change of use of vacant first and second floor former offices to three flats (Use Class C3), with new dormer window to rear. The application is reported to Plans Panel at the request of Councillor Peter Gruen on the grounds of highway safety, impact on residential amenity which which will give rise to concerns affecting more than neighbouring properties.

1.2 A planning application for the change of use of vacant ground floor offices to hot food

take away also appears on this agenda (16/06524/FU).

2.0 PROPOSAL:

- 2.1 The proposal is to change the use of vacant offices on the first and second floors of the building to three studio flats.
- 2.2 The conversion will involve the removal of the existing small dormer and insertion of a larger dormer window in the rear elevation, the dormer being in hanging slate, with upvc window frames.
- 2.3 An outdoor amenity space to the first floor flat roofed area is proposed and would be served via a door within the proposed new dormer.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site refers to vacant first and second floors which were occupied as offices in association with the use of the ground floor. The ground floor was previously occupied by a building society (Class A2) and is also vacant. The unit is located with a traditional shopping parade comprising in the main of two storey brick built properties fronting Austhorpe Road.
- 3.2 The adjoining property at No. 30 is Costa Coffee, with retail at ground floor with toilets at first floor. On the other side, at No. 26, the ground floor is a bookmakers with offices above. The rear of the property abuts the car park serving the Cross Gates shopping centre, with the applicant having a pedestrian right of way to the rear.
- 3.3 The immediate area is commercial in character, with residential beyond.
- 3.4 The site is located within the Cross Gates P1 town centre boundary (Core Strategy).

4.0 RELEVANT PLANNING HISTORY:

On site:

- 4.1 16/06524/FU - Change of use at ground floor from former Bank (A2) to hot food takeaway (A5), with new shop front and extract flue to rear. Currently undetermined, and appears on this agenda.
- 4.2 09/03414/FU - Installation of cash machine to front of Building Society. Approved 29.09.2009.

Off-site:

- 4.3 54 Austhorpe Road - 16/07317/FU - Variation of condition 4 of approval 15/04497/FU to allow opening hours to be 11:00 - 00:00 hours Sunday - Thursday, 11:00 - 02:00 hours Friday, Saturday and Bank Holidays. Refused 17.01.2017 on the grounds of likely harm to residential amenity.
- 4.4 15/04497/FU - Change of use and alterations of ground floor restaurant (use class A3) to take away hot food shop (use class A5). The opening hours of the premises are restricted to 08.00 to 23.30 hours Monday to Saturday and 12.00 to 23.00 hours on Sundays and Bank Holidays. Approved 22.09.2015.
- 4.5 31 Austhorpe Road - 07/00970/FU - Change of use of shop to hot food take away. The opening hours of the premises are restricted to 0800 hours to 2330 hours

Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays.
Approved 07.06.2007.

4.6 6 Back Austhorpe Road - 32/12/03/FU - Change of use of shop to take away hot food shop and restaurant. The opening hours of the premises are restricted to 0800 hours to 2330 hours Monday to Saturday, and 1900 hours to 2300 hours on Sundays and Bank Holidays. Approved 01.04.2003.

4.7 26 Austhorpe Road - Change of use from Shops (A1) to Betting Shop (A2). Allowed on appeal. The premises shall not be open for customers outside the following hours:
- 08:00 to 22:00 on Mondays to Saturdays; 09:00 to 22:00 on Sundays and Bank Holidays.

24 Austhorpe Road
4.8 16/07509/FU - Change of use and alterations of first and second floor office and storage to one flat including rear dormer window. Approved 17.01.17.

4.9 13/03256/FU - Change of use from Class A1 (shops) to Class A2 (financial and professional services). Refused 05.09.2013 on the grounds of loss of retail frontage.

5.0 HISTORY OF NEGOTIATIONS:

5.1 During the consideration of the planning application the layout of the flats has been revised to improve the level of amenity provided for future occupiers. A small terrace has also been provided to studio flat 3.

6.0 CONSULTATIONS:

6.1 Highways –The proposal will convert Class A2 floor space to 3 x 1 bed flats which have a parking requirement of 1 space per units. The proposal is less intensive from a parking viewpoint, therefore a highway objection would be difficult to justify. Future occupants would not be eligible for on-street parking permits.

6.2 Flood Risk Management – No objection to the application

6.3 Environmental Protection Team– Potential amenity issues associated with the ground floor HFTA use. Conditions recommended to address this impact - no objection subject to conditions.

6.4 Housing Regulation Team – Revised internal layout now show more direct natural daylight will reach the bedroom areas and appears to be satisfactory.

6.5 Health & Safety Executive – site falls within the consultation zone but the HSE do not advice against the granting of planning permission on safety grounds in this case.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by Site Notice, dated 28th October 2016. Revised plans have been advertised by Public Access. The following representations have been received.

Cross Gates Watch

- 7.2 Access to the three proposed flats is via the rear of the premises only which is also very limited. Tandem parking only is available on the site, and even that only with very considerable care.
- 7.3 Parking is an acute and chronic problem in Cross Gates and inadequate provision is made. Access over No. 26 land is not guaranteed.
- 7.4 Entering/leaving the site from the roadway to the rear is very difficult.
- 7.5 Substantial highways changes have taken place to a considerable section of Austhorpe Road at the front of the building including a pelican crossing at No. 20, Austhorpe Road, with associated zig-zag roadway markings either side, the remainder of the roadway being double-yellow lined. Extensive kerbside railings are also in place which prevents unloading. There is no parking, nor any drop-off point for deliveries.
- 7.6 Business at ground floor level will require staff parking at the rear of the building. The business part of the premises will also need its own waste disposal facility. The situation for upper floor tenants will be made even more impossible with everyone competing for the same parking, delivery, waste-storage, collection and amenity space.
- 7.7 Proposed dormer window, which is the only source of natural light into the living/dining/kitchen area of the flat provides a lack of space and natural light. Revised dormer does not address these concerns.
- 7.8 No bin spaces are shown.

One letter of representation from nearby residents:

- 7.9 Objection on very similar grounds to Cross Gates Watch (see above) – unsatisfactory standard of amenity for residents, incompatible with nearby uses, inadequate car parking and wasted disposal arrangements.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The development plan currently comprises the adopted Local Development Framework Core Strategy (2014), those policies saved from the Leeds Unitary Development Plan (Review 2006) (UDP) and the Natural Resources and Waste Local Plan.
- 8.2 The Local Development Framework Core Strategy was adopted by the Council on 12th November 2014. The following policies contained within the Core Strategy are considered to be of relevance to this development proposal:

Core Strategy:

- T2 – accessibility
- P1 – identify town centres
- P2 – acceptable uses in a town centre
- P10 – design considerations
- H2- New housing on non-allocated sites

UDP

The most relevant saved policies from the Leeds Unitary Development Plan Review are outlined below:

GP5 - Development control considerations including impact on amenity

Other Planning Policy:

Street Design Guide Supplementary Planning Document (August 2009) and includes guidance relating to highway safety and design.

SPG 6 – Development of Self-Contained Flats

SPG13 – Neighbourhoods for Living Residential Design Guide

Parking SPD

National Planning Policy

- 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. 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.

9.0 MAIN ISSUES

1. Principle of development
2. Impact on visual amenity
3. Impact on residential amenity
4. Highway implications

10.0 APPRAISAL

Principle of development:

- 10.1 The site is located within the Cross Gates centre and the proposal is to change the use of vacant offices on the first and second floors of the building into three residential flats. The use of the upper floors of the building as residential accords with Core Strategy Policy P2 , which encourages residential accommodation in town centres, and particularly at upper floors, so that the ground floor can remain in commercial use. The ground floor will remain in commercial use. In principle therefore the use accords with policy and encourages the vitality and viability of the town centre. In principle, the proposed conversion of the offices to residential use is considered appropriate.

Impact on visual amenity

- 10.2 The proposed development incorporates relatively minor external alterations to the original property primarily involving an enlarged dormer within the rear elevation. A means of enclosure for the roof terrace is also proposed comprising of toughened glass supported between stainless steel posts at a height of 1.1m. As the materials proposed for the dormer window are sympathetic and its general design is considered appropriate relative to its context, no visual amenity concerns are raised, particularly as there are no external alterations proposed to the front elevation of the property.
- 10.3 A condition is recommended to ensure the external window detailing/materials for the dormer match those of the existing property and the new bin stores/cycle parking can also be accommodated discretely within the rear yard area.

Impact on residential amenity

- 10.4 The proposed conversion of offices to residential use raises no fundamental concerns from a residential amenity perspective. Any potential impact will be limited given the minor nature of the external alterations proposed, which involve the insertion of new window and door openings within the rear elevation.
- 10.5 Whilst the total size of each flat is modest, it is considered the proposed living areas are a reasonable size and the habitable rooms are all served by prominent windows which will allow adequate natural light and ventilation into the main living areas. Therefore, the standard of living proposed for the future occupants of each flat is considered reasonable and does not raise significant residential amenity concerns. Furthermore, the property places the living area and bedroom at first floor level directly over the living and bedroom area of the ground floor flat, with the juxtaposition of rooms arranged in a logical and acceptable manner, thereby reducing the potential for noise and disturbances between flats.
- 10.6 The revised plans show the first floor flat roofed area would be accessible to the top floor flat and can be used as an outdoor amenity space, with a safety balustrade provided. This would provide a sitting out and amenity space for the top floor flat, and is considered acceptable and appropriate for the intended use. Other neighbouring flats roofs also show signs of being used as amenity spaces also.
- 10.7 The rear dormer overlooks commercial properties (car park) therefore no overlooking issues occur. The rear dormer serves the kitchen and living area to the top floor flat. The immediate outlook is across the flat roof to the first floor of this property. The flue that is proposed as part of the planning application for the hot food take-away (see paragraph 4.1 above) is attached to the rear elevation of the property and is shown to project above this area of flat roof by approximately 2.8m. The flue is shown on the application plans to be set 9.2m away from the face of the dormer and to have a diameter of approximately 50cm. An area of the flat roof immediately adjacent to the dormer is shown to be dedicated as an external terrace. The occupiers of the flat will therefore have the opportunity to carry out some landscaping to the terrace area and this will help filter views of the flue. In light of these factors the outlook is considered to be reasonable for this type of accommodation noting its town centre location. From the proposed terrace views of the rear of neighbouring properties could be gained. However, the rears of these properties are already open to views from public vantage points. Accordingly, it is not considered that the use of the terrace will result in a loss of privacy.
- 10.8 From a practical perspective, the future occupiers of the flats will be able to utilise the yard area to the rear for bin and cycle storage and whilst access is only possible from the rear, this is not unusual for flats positioned above commercial units. In light of the above it is considered that the proposal complies with retained UDP policy GP5 and the guidance set out in SPG6, Self-Contained Flats.

Highway implications

- 10.9 There are no objections from highways to the proposed flats. The proposal does not provide car parking spaces. The application form states that the proposal will convert 111m² of A2 floor space in to three 1 bedroom flats. The parking requirements for A2 uses are 1 space per 10m (Leeds Parking Policy) and this is the equivalent to that required for the proposal (1 parking space per 1 bed flat is required (Street Design

Guide)). With this in mind, the proposal would be less intensive from a parking viewpoint.

- 10.10 It should also be noted that future occupants would not be eligible for on-street parking permits within the existing or any future controlled parking zones in the locality. An informative advising the applicant of this would be attached to any permission granted. Accordingly, the proposal is considered to be consistent with the objectives of the Street Design Guide and Parking SPD.

CIL

- 10.11 The development is not liable for CIL, as the proposal is a change of use application.

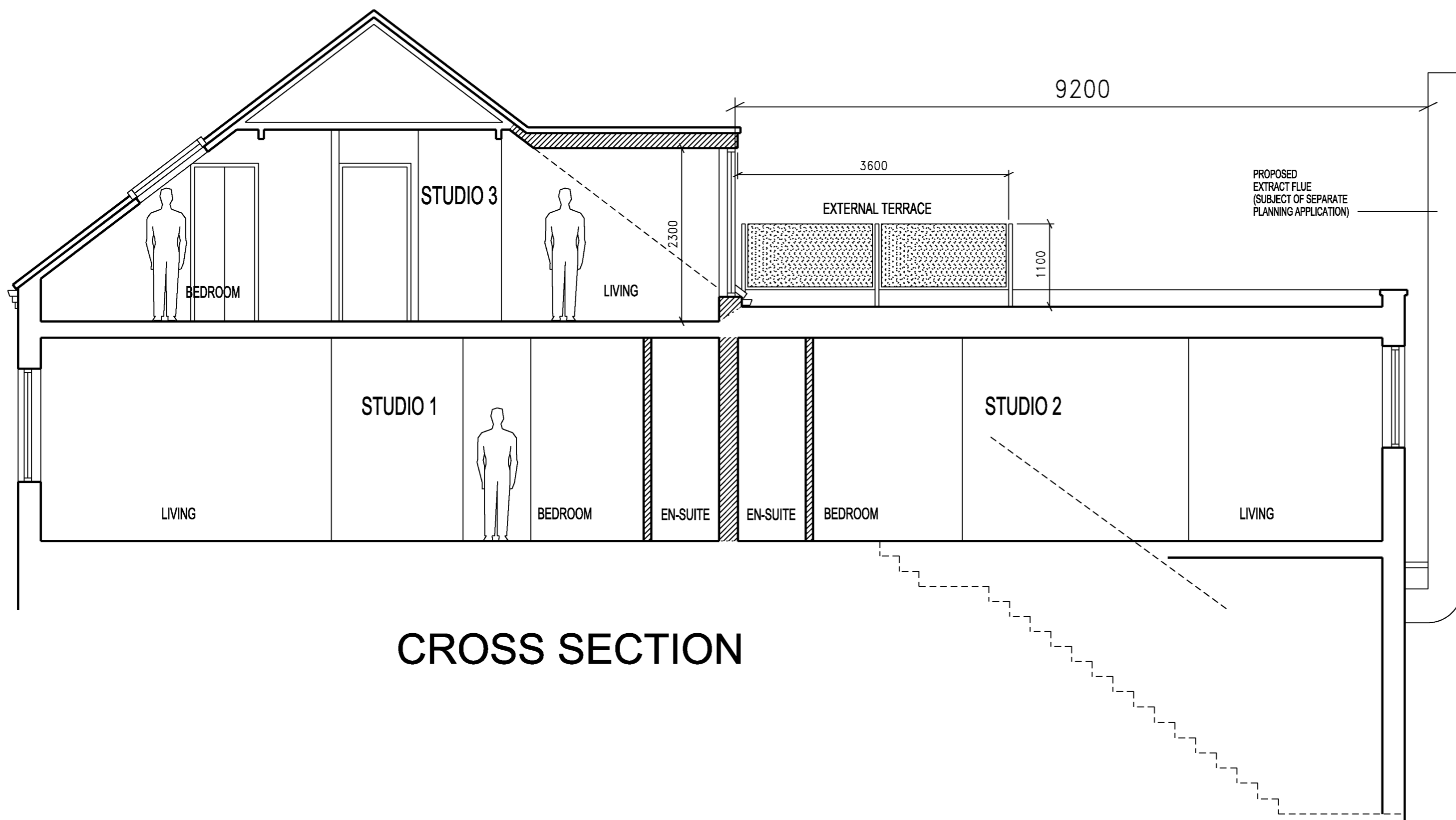
11.0 CONCLUSION:

- 11.1 The proposed change of use and alterations are considered to comply with the relevant planning policies and guidelines and therefore, having regard to all material considerations including representations received, the application it is recommended for approval subject to the conditions listed.

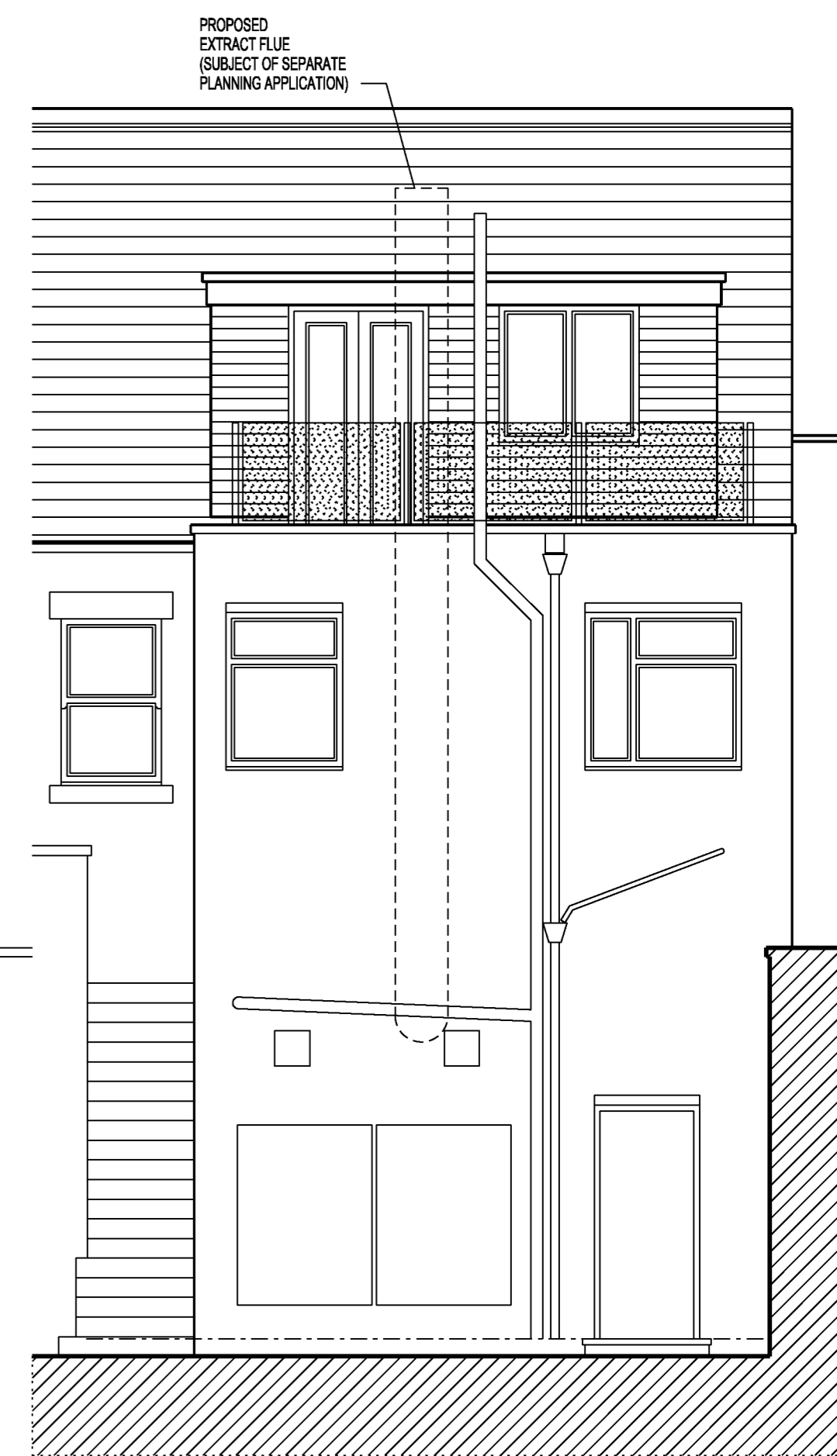
Background Papers:

Application files: 16/05587/FU & 16/06524/FU

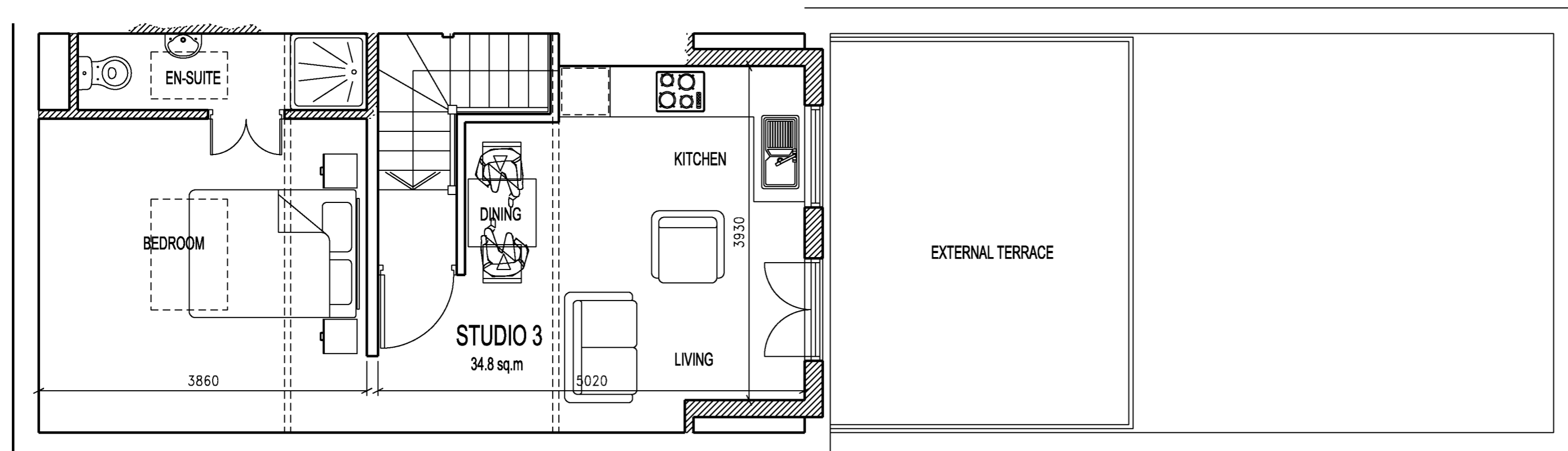
Certificate of Ownership: Mr S Roberts



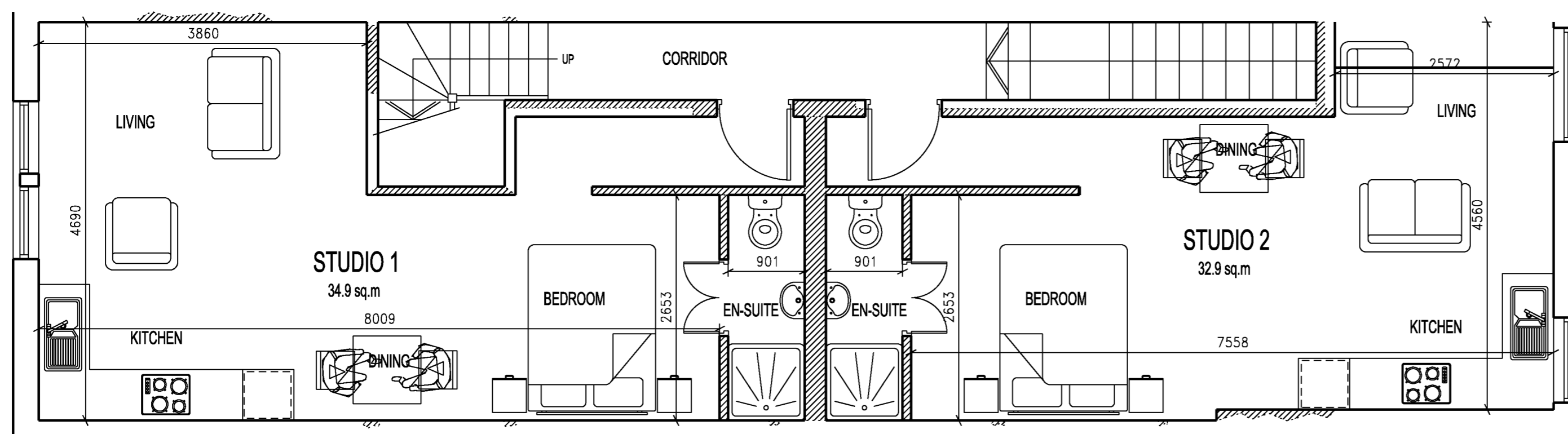
CROSS SECTION



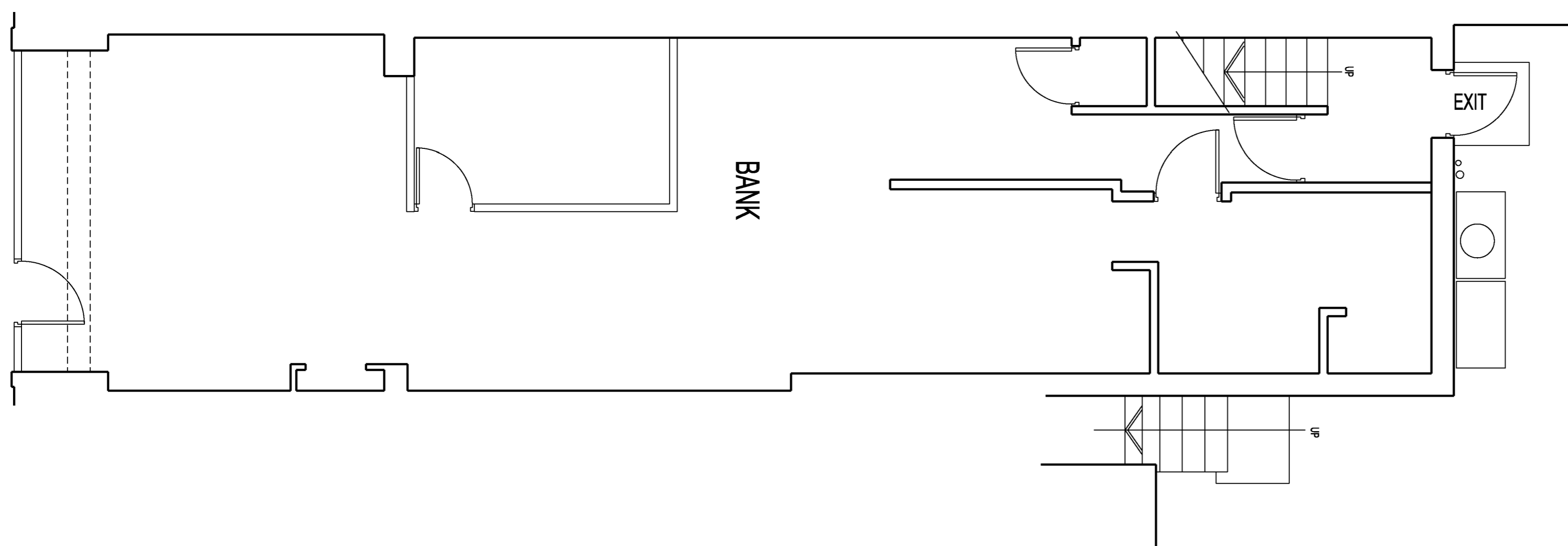
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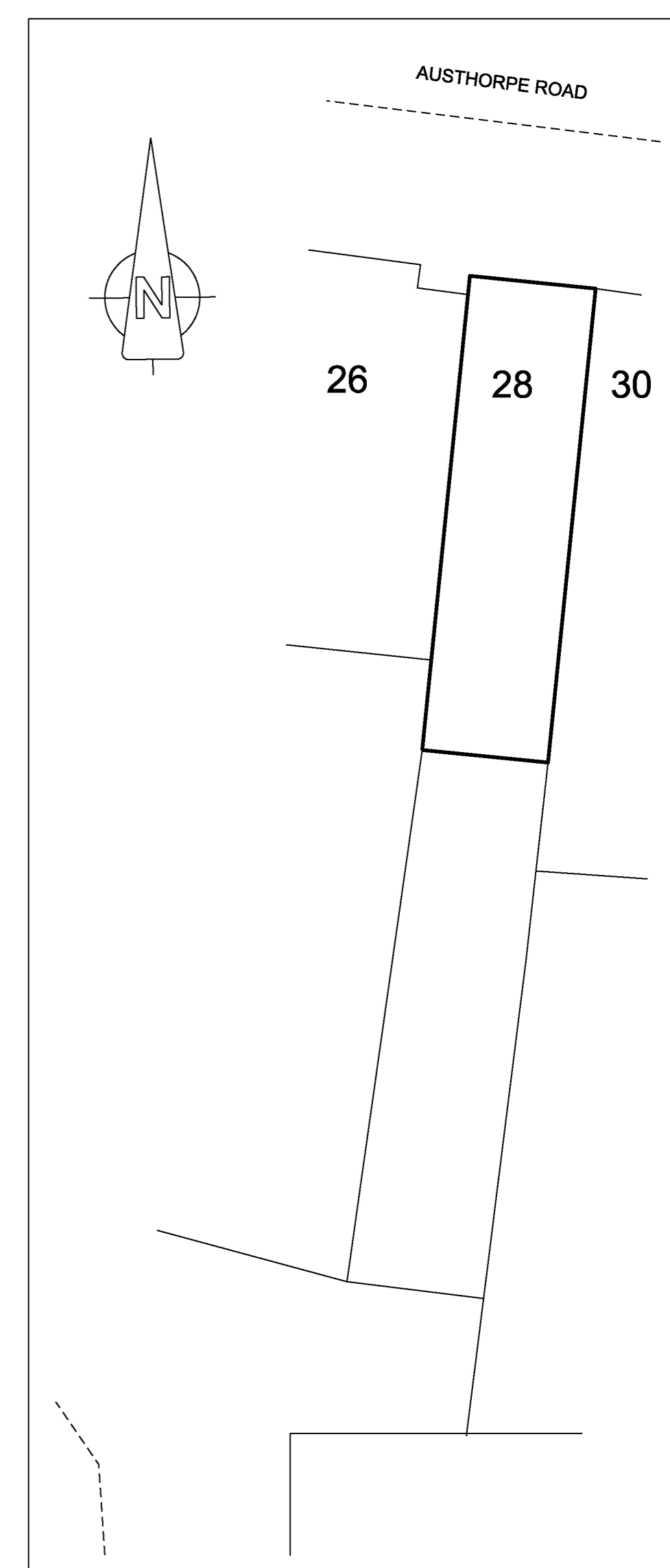
SECOND FLOOR PLAN



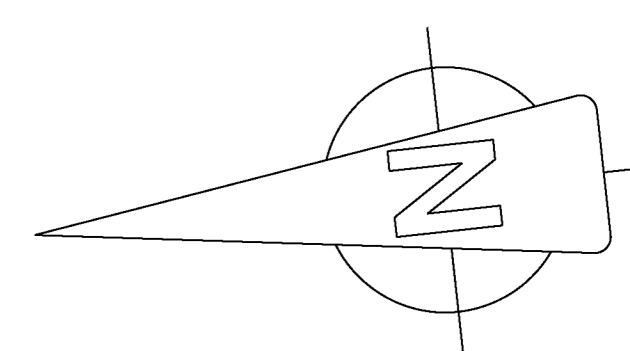
FIRST FLOOR PLAN



GROUND FLOOR PLAN



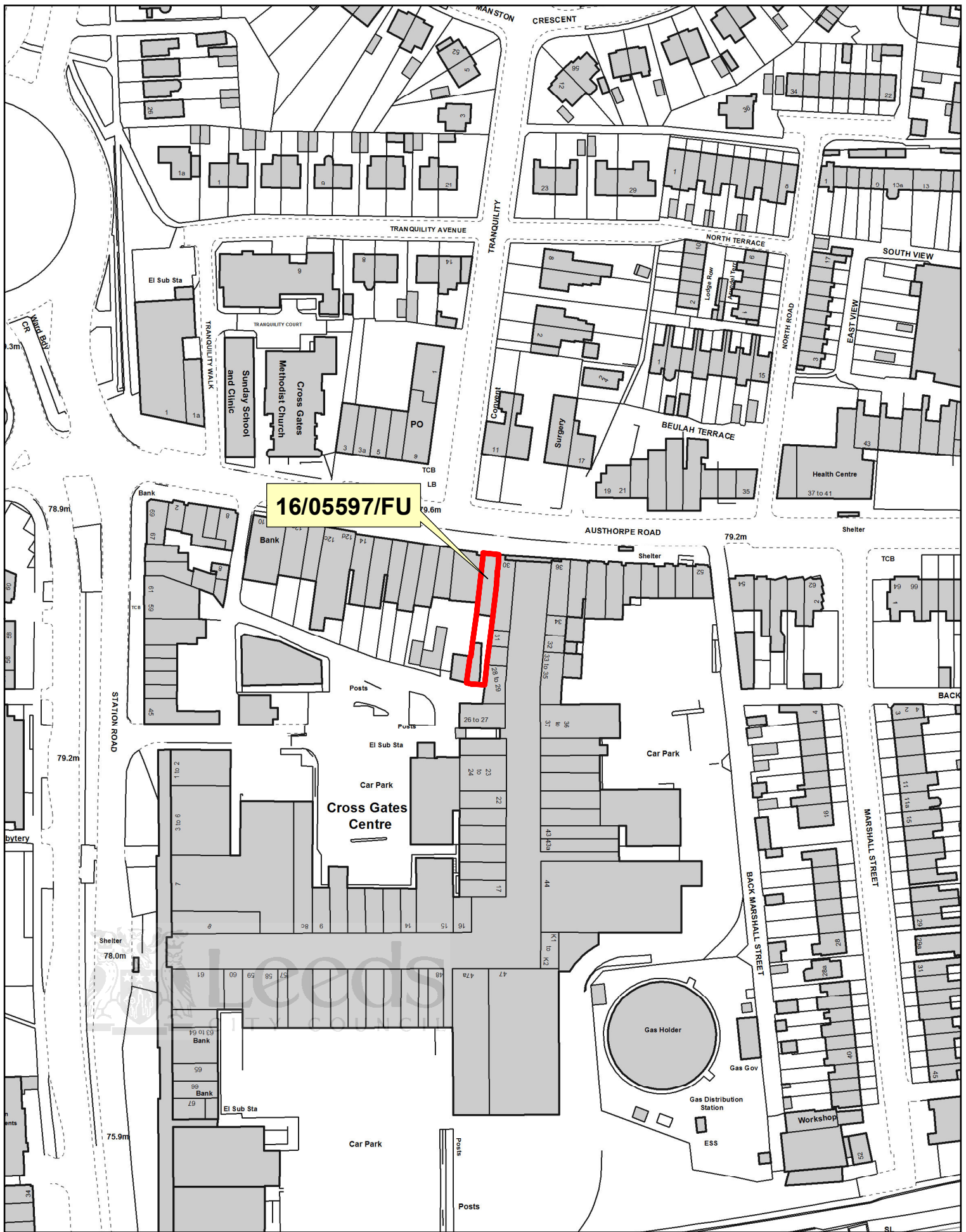
BLOCK PLAN - 1:200



REVISION C

PROPOSED

SCALE 1:50 @ A1 1:100@A3



NORTH AND EAST PLANS PANEL



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