



## Report of the Chief Planning Officer

### PLANS PANEL SOUTH & WEST

Date: 10<sup>th</sup> October 2013

Subject: APPLICATION 13/02893/FU- Change of use and alterations to existing care home to create 13 No. dwellings at Sandfield House, Sandfield Avenue, Leeds, Far Headingley LS6 4DZ

#### APPLICANT

Mr C W Langton

#### DATE VALID

20.06.2013

#### TARGET DATE

19.10.2013

#### Electoral Wards Affected:

Weetwood

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

#### RECOMMENDATION:

**DEFER AND DELEGATE** to the Chief Planning Officer for approval , subject to the further discussion with the applicant in relation to parking arrangements and turning provision, specified conditions and following completion of a Section 106 Agreement to cover the following matters:

- Greenspace contribution of £33,855.84
- Metrocard contribution of £6,006.00
- Restriction of future occupation to prevent occupation by full time students under the age of 22 years old

In the circumstances where the Section 106 has not been completed within 3 months of the resolution to grant planning permission the final determination of the application to be delegated to the Chief Planning Officer.

#### Conditions

1. Commencement of development within 3 years.

2. Approval of plans
3. External materials to match the existing
4. Window detailing to be submitted
5. Landscape scheme and implementation
6. Details of external lighting to be submitted
7. Tree Protection Measures
8. Boundary treatment and acoustic fencing detailing to be submitted
9. Car parking to be laid out before first occupation
10. Car parking to remain unallocated
11. Signposting of access and delivery areas
12. Bin and Cycle Storage details to be submitted
13. Service Management Plan for Bin Storage and Collection
14. Details of drainage and surface water drainage to be submitted
15. Provision for contractors during construction
16. Hours of construction limited to 0800 to 1800 hours Monday to Friday and 0800 to 1300 on Saturdays with no works on Sundays or Bank Holidays
17. Removal of permitted development rights

## **1.0 INTRODUCTION:**

- 1.1 This application is presented to Plans Panel at the request of Ward Councillor Sue Bentley who objects to the application on the basis that the proposal represents an overdevelopment of the site, fails to provide adequate car parking, will create an adverse impact on neighbouring amenity and will create an adverse impact on trees at the site. Cllr Bentley's objections are outlined in full in the below report at paragraph 6.2.

## **2.0 PROPOSAL:**

- 2.1 The applicant seeks planning permission to change the use of a site housing a former care home to create 13 new residential dwellings. The 13 dwellings will consist of six 1 bedroom flats, three 2 bedroom flats, and four 2 bedroom town houses, creating a total of 20 bedrooms. The residential units created will fall within the C3 (dwellinghouses) planning use class. The proposal will involve minimal alteration to the existing building with some limited revisions to window positioning and detailing proposed.
- 2.2 The proposal will involve extensive landscaping works at the site including the creation of hardstanding to create 14 off-street car parking spaces. The rear car park at the site is proposed to be constructed in resin-bonded gravel. In addition to this, the basement of the building will be converted to create a cycle store. New communal landscaped garden areas will be created to the rear of the building with further hard and soft landscaping works proposed to the frontage. An existing access road to School Lane will be blocked off and re-landscaped to provide part of the new communal garden area. A new covered bin store will be provided to the west side of the building.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 Sandfield House is noted as a positive building within the Far Headingley Conservation Area. The property is a large stone built villa dating from the 19<sup>th</sup> century. It currently includes large extensions to the rear; the latest of which was

added in the early 1990's. The property was granted planning permission to be converted from a private residential property to a care home in 1988. The property closed as a 27 bedroom dementia care facility in April 2013 and retains a lawful C2 planning use. The site currently accommodates 3 off-street car parking spaces. The care home previously had an additional 7 off-street car parking spaces in a car park to the rear and which was accessed from School Lane. This car park is not included within the application site boundary and does not fall within the applicant's ownership. It is noted that there were no planning conditions attached to the original permission requiring the retention of the car park for the care home use or preventing the subdivision of these plots.

- 3.2 Sandfield House is accessed via Sandfield Avenue to the south. Sandfield Avenue is a residential street including ten properties with a further two properties at Sandfield Cottages also served from Sandfield Avenue. The host site is surrounded to all sides by residential streets with the rear gardens of properties on Sandfield View backing on to the site.
- 3.3 The host site includes an extensive landscaped garden to the rear and includes two mature trees which have significant amenity value within the Conservation Area; a weeping willow and an oak tree.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 H26/415/88 - Change of use of detached house to aged persons home (Approved 1998).
- 4.2 H26/446/89 - Alterations and extension to form 4 bedrooms, entrance lobby and conservatory to side and rear with 5 bedrooms and 2 toilets (Approved 1989).
- 4.3 H26/242/89 - Alterations and extension to form sun lounge to nursing home (Approved 1989).

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Initial pre-application discussions were held between the applicant and Council officers in April 2013 where the principle of the proposal was discussed. The applicant held an informal meeting before submitting the application on 6<sup>th</sup> June 2013 which was attended by 13 local residents.

#### **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been publicised by means of site notices and a newspaper advert in the local press. Ward Councillors Sue Bentley and Judith Chapman have objected to the scheme. The Far Headingley Village Society, a local residents group, has also objected to the scheme. There have been a total of 18 representations from local residents and members of the public; 16 in objection and 2 in support.
- 6.2 Cllr Sue Bentley and Cllr Judith Chapman have raised the following concerns in their objections:
- The proposal represents an overdevelopment and over intensification of the site.
  - The number of car parking spaces proposed would not be sufficient to accommodate 13 new dwellings at the site and will lead to parking problems on Sandfield Avenue and potential highway safety concerns in the area;

- The proposed development will generate a number of comings and goings to the site which will be to the detriment of local residents on Sandfield Avenue and at Sandfield Cottages;
- The properties on Sandfield View, due to their lower ground level, could be adversely affected by car headlights shining through their windows. The proposed fencing to overcome this would overshadow these gardens;
- The trees felled at the site have left the properties on Sandfield View open to a potentially harmful overlooking impact from the residential units created;
- The trees could suffer damage during the construction stage of the development;
- The proposed amenity space is insufficient for the number of dwellings proposed; and,
- Concerns exist about surface water drainage at the site and its impact on neighbouring sites.

6.3 In addition to the above, other concerns raised by interested parties include:

- The proposed works to the rear of the site could lead to a land slip impacting on neighbouring sites;
- The proposed car parking area would lead to unreasonable pollution in terms of noise, light and fumes which could unreasonably impact on neighbouring properties;
- The proposal may lead to wider parking problems in the area;
- The area suffers from a population imbalance which the proposal would further add to;
- The loss of green space and trees at the site will be detrimental to local wildlife and character;
- The property has not been the subject of vandalism as claimed by the applicant;
- The treatment of window openings proposed is poor;
- The development would provide a poor level of amenity for future occupants;
- The previous care home use benefitted from a large car park to the rear accessed from School Lane and did not generate a large number of trips by car;
- The location of the bin store proposed will lead to impacts on neighbouring amenity in terms of smells and noise with a risk of pests being attracted. There is also a lack of clarity regarding how this bin store will be serviced on collection days;
- The proposal will lead to the overlooking of neighbouring properties;
- The level of public consultation held at the pre-application was insufficient and held at short notice;
- The water and sewerage systems in place may not be able to cope with the new development; and,
- The proposal will lead to unreasonable disturbance during construction.

6.4 The two letters of support received cite a strong demand for housing of this type in the locality and the sympathetic nature of the conversion within the Conservation Area as reasons to support the application.

## **7.0 CONSULTATION RESPONSES:**

7.1 Highways and Access – no objections subject to conditions to control servicing arrangements, car parking layout, bin storage and cycle storage.

7.2 Environmental Protection – no objections subject to a condition controlling hours of construction.

- 7.3 Mains Drainage – no objections subject to appropriate surface water drainage conditions.
- 7.4 METRO – have requested a contribution to the Metrocard scheme to provide Metrocards for future occupants.

## **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.

8.2 The most relevant Policies in the adopted Leeds Unitary Development Plan are outlined below:

- SG4** - To ensure that development is consistent with the principles of sustainable development
- SA7** - To secure a high quality environment
- GP5** - Development control considerations including impact on amenity
- H4** - Residential development on unallocated sites
- H15** - Area of Housing Mix
- BD6** - Alterations and extensions should not harm neighbouring amenity
- N2** - Provision of greenspace
- N12** - Urban design principles
- N19** - Development in Conservation Areas
- N25** - Site boundaries
- BC7** - Materials in Conservation Areas
- LD1** - Landscape design
- T2** - Parking and highway safety
- T24** - Parking
- A4** - Ensuring a safe and secure environment

8.3 Relevant supplementary planning documents and policies are outlined below:

- Neighbourhoods for Living SPG (December 2003)
- Street Design Guide SPD (August 2009)
- Far Headingley, Weetwood and West Park Neighbourhood Design Statement SPG (February 2005)
- Far Headingley Conservation Area Appraisal (November 2008)

8.4 National Planning Policy Guidance:

The National Planning Policy Framework came into effect on 27<sup>th</sup> March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development:

“At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking” (paragraph 14).

8.5 Emerging Local Development Framework Core Strategy:

The Draft Core Strategy has been submitted for examination by an Inspector. The Draft Core Strategy has passed its first requirement with regards the legal test on the Duty to Cooperate. As the draft Core Strategy is submitted for examination some limited weight can be afforded to it. The weight to be given to policies will depend whether there are any outstanding challenges to them to be considered through the Public Examination in October 2013. The following policies are considered relevant to the application:

**Spatial Policy 1** – Location of Development

**Spatial Policy 6** – Housing Requirements and Allocation of Housing Land

**Policy H2** – Housing on Unallocated Sites

**Policy H4** – Housing Mix

**Policy H6** – HMOs, Student Housing and Flat Conversions

**Policy P10** – Design

**Policy P11** – Conservation

**Policy P12** – Landscape

**Policy T2** – Accessibility and New Development

**Policy G4** – New Greenspace

**Policy EN1** – Climate Change

**Policy EN2** – Sustainable Design and Construction

**Policy ID2** – Planning Obligations

## **9.0 MAIN ISSUES:**

9.1 The following main issues have been identified:

- (1) The principle of the change of use;
- (2) Design, character, conservation area and landscaping;
- (3) Car parking, servicing and highway safety;
- (4) Amenity of Future Occupants;
- (5) The impact of the development on neighbouring amenity;
- (6) Other material planning considerations

## **10.0 APPRAISAL:**

### 1. Principle of the Change of Use

10.1 The application site is considered to be appropriate for a residential use under the C3 (dwellinghouses) use class. The site is currently unallocated under the Leeds Unitary Development Plan. Leeds UDP policy H4 states that unallocated sites within the main or smaller urban area as identified within the UDP or are in an otherwise sustainable location will be permitted subject to a number of considerations. The application site falls within the main urban area, is considered to be in a sustainable location in close proximity to good public transport links and local amenities provided at Meanwood Local Centre and will also allow the re-use of a previously developed site. As such the proposal is considered to meet the requirements of policy H4 as suitable for residential development. It is further noted that the Leeds Strategic Housing Market Assessment (SHMA) identifies a particular need for the size of accommodation proposed, one and two bedroom units, in the near future due to a projected demographic change towards an increase in the number of smaller households in Leeds up to 2026.

10.2 The application site falls within the Area of Housing Mix as defined by Leeds UDP policy H15. The Area of Housing Mix is noted as an area with a recognised imbalance between student housing and other forms of housing. Although a development such as that proposed would not be explicitly for students it could be

expected that students could occupy the unit and therefore policy H15 is relevant. In response to local concerns in relation to this housing imbalance the applicant has volunteered to enter into a section 106 agreement with the Council to restrict the occupancy of the residential units so that full time students under 22 years of age would not be able to occupy the units in the future. As such, when based against the criteria of policy H15 and the Council's future aims as expressed in Local Development Framework Core Strategy policy H6, the proposal is considered to be having a positive impact in addressing the housing imbalance in the area.

## 2. Design, Character, Conservation Area and Landscaping

- 10.3 The Far Headingley Conservation Area Appraisal and Management Plan identifies Sandfield House as a positive building within the Conservation Area. The Appraisal notes that the Conservation Area includes a number of 18<sup>th</sup> and 19<sup>th</sup> century stone built villas of which Sandfield House is a prime example of. Unfortunately the property has been the subject of numerous unsympathetic extensions in the past which have significantly altered the appearance and character of the building to the rear. However, the front of the building has remained relatively unaltered and retains much of its original positive character. The building is considered to retain a dominance and sense of place which makes a significantly positive contribution to this part of the Conservation Area.
- 10.4 The proposal involves minimal alterations to the exterior of the existing building. The alterations include the insertion of a small number of windows to the side and rear of the building, the repositioning of a small number of existing windows, and a change to the eaves level on one of the previous extensions to the building. The historic front elevation will remain unaltered and this is considered to be a positive aspect of the proposal. The changes which have been proposed are considered to be in keeping with the character and design of the building with materials and detailing proposed to match those existing. In this respect the character of the building and Conservation Area is considered to be preserved by the proposed development as is required by Leeds UDP policy N19.
- 10.5 At present the hardstanding areas, car parking, and poor quality soft landscape areas to the front of the building are considered to offer little contribution to the setting of the building. It is noted that when first built in the 19<sup>th</sup> century the building would have included landscaped gardens to the front which would have made a significant contribution to its setting and sense of presence. The building does however benefit from an existing landscaped garden to the rear which makes a positive contribution to its setting, and in particular from the presence of two large mature trees; a weeping willow and an oak tree which represent significant mature specimens. These two trees are considered to make a positive contribution to this part of the Conservation Area.
- 10.6 The proposal will involve the creation of a car park to the rear which will involve the removal of a significant proportion of the existing landscaped garden. The applicant has put forward a landscaping and planting scheme to create a communal garden area to the rear which will include the removal of part of an existing access road. With the imposition of appropriate planning conditions the proposal is not considered to be likely to cause harm the health of the weeping willow and oak trees. The boundary planting and treatment of communal garden areas proposed are also considered to be a positive aspect of the proposal. The proposal will include the creation of a small landscaped garden to the east side of the building and improved hard and soft landscaping to the front of the building in order to improve the setting of the building. Therefore, on balance, the loss of garden space

to the rear of the property to create parking is considered to be offset by the improvements secured to the remainder of the site.

### 3. Car Parking, Servicing and Highway Safety

- 10.7 At present the site accommodates 3 off street car parking spaces. When planning permission was granted for the original care home use in 1988 a further 7 car parking spaces were provided to the rear of the site. However, the planning permission granted in 1988 did not include any planning conditions requiring the retention of these car parking spaces for the care home use and as such it is noted that if the property were to continue as a care home no further parking would be required to be provided to replace the 7 spaces lost.
- 10.8 The testimonies of local residents note that the last use of the property as a 27 bedroom dementia care home did not generate a significant amount of vehicular trips to the site as many of the occupants did not drive or have access to a car and many of the staff walked to work. Although this may have been the case, it is recognised that the site was not restricted to this use in planning terms and as such the property could be used for alternative, more intensive, uses within the C2 use class (residential institutions) without requiring planning permission which could in turn lead to a significant increase in traffic. Based on trip generation calculations it is estimated that a C2 care home use would be likely to generate an average of 64 two way trips per day. With the limited car parking presently at the site this would in turn lead to significant increases in on-street parking on neighbouring streets. This fallback position is considered relevant to the determination of the current planning application.
- 10.9 The proposal put forward will provide 14 off-street car parking spaces for 13 residential units. The Council's Street Design Guide SPD advises that such a development should provide up to a maximum of 17 or 19 car parking spaces (including visitor spaces). However, the Street Design Guide recognises that where spaces remain unallocated a reduced amount of car parking may be acceptable. Based on trip generation calculations it is estimated that the proposal would be likely to generate an average of 39 to 52 two way trips per day. It is acknowledged that this will be likely to represent an increase over the last use as a 27 bedroom dementia care home which will be likely to create both an increase in vehicular comings and goings, particular on Sandfield Avenue, and an increase in parking pressures on surrounding streets.
- 10.10 However, given the existing lawful use of the site and the potential for a greater impact in terms of trips generated and on-street car parking on surrounding streets as outlined in the fallback position above, alongside the sustainable location of the site, the cycle storage facilities proposed, and the Metrocard contribution put forward by the developer, it is considered that a planning objection on parking or highway safety grounds would be difficult to justify. As such it is considered the proposal complies with the aims of Leeds UDP policy T2.

### 4. Amenity of Future Occupants

- 10.11 The proposal is considered to provide sufficient levels of amenity for future occupants of the residential units. The internal layout proposed will provide sufficient outlook from main habitable rooms and the communal garden areas proposed are considered to provide a good level of outdoor amenity space. The developer will also provide off-site greenspace monies as outlined above in order to satisfy the requirements of Leeds UDP policies N2.

### 5. The Impact of the Development on Neighbouring Amenity



- 10.12 The introduction of the new car parking area to the rear will generate vehicular movements in close proximity to neighbouring sites, particularly on Sandfield View. This raises the potential for impacts on neighbouring amenity relating to noise from comings and goings and light pollution from car headlights, particular due to the lower ground level of the rear gardens of the properties on Sandfield View. The applicant has proposed acoustic boundary fencing and planting along the rear boundary in response to this and, subject to appropriate detailing which is considered to be appropriate to be dealt with by relevant planning conditions, it is considered that this would be sufficient to prevent a significantly harmful impact. It is further noted that the comings and goings associated with the proposed development would be unlikely to be of such a level that would be likely to lead to a significant impact on neighbouring amenity in terms of noise and disturbance.
- 10.13 The proposal will include the insertion of new windows in the existing building. However, these windows will not be situated any closer to neighbouring properties than is currently the case with existing windows at the property. It is therefore considered that the proposal would not lead to a significant overlooking impact over surrounding neighbours.
- 10.14 A new enclosed bin store is proposed to the west of the existing building. It is considered that this location is appropriate for an enclosed bin store which would help prevent any pest problems associated with such provision. The applicant has put forward a proposal to manage the bin store on collection days which could be controlled by way of an appropriate planning condition.

#### 6. Other Material Planning Considerations

- 10.15 A number of further concerns have been raised by objectors. Those relating to potential fumes and smells from the bin store and increase in cars at the site, the potential for flooding from increase surface water run-off, and noise and disturbance during the construction phase of the development are appropriate to be addressed by condition. Many of these concerns can be addressed through appropriate planning conditions. The further concerns raised in relation to the potential for a land slip due to vehicular use of the new parking area would not represent material planning reasons to refuse the application.

#### **Conclusion**

- 10.16 The proposal represents the redevelopment of a previously developed site in a sustainable location in the main urban area of Leeds, will contribute to meeting future demand for accommodation of this size, and will also make a positive contribution to the housing imbalance in the area. The re-use of a positive building within the Far Headingley Conservation Area with minimal external alteration is also considered to be a positive feature of the development.
- 10.17 The loss of garden space to the rear of the property is considered to be a negative consequence of the proposal. However the new landscaped areas to the rear and protection of the existing weeping willow and oak trees are considered to offset this harm and this part of the development, on balance is considered to be preserving the character and appearance of this part of the Conservation Area. The hard and soft landscaping works proposed to the front of the building are considered to be making a positive contribution to the frontage and setting of the building which is considered to represent an enhancement to the character and appearance of this part of the Conservation Area.
- 10.18 It is considered that the development will be likely to lead to an increase in parking and traffic at the site from the previous use as a dementia care home. This has

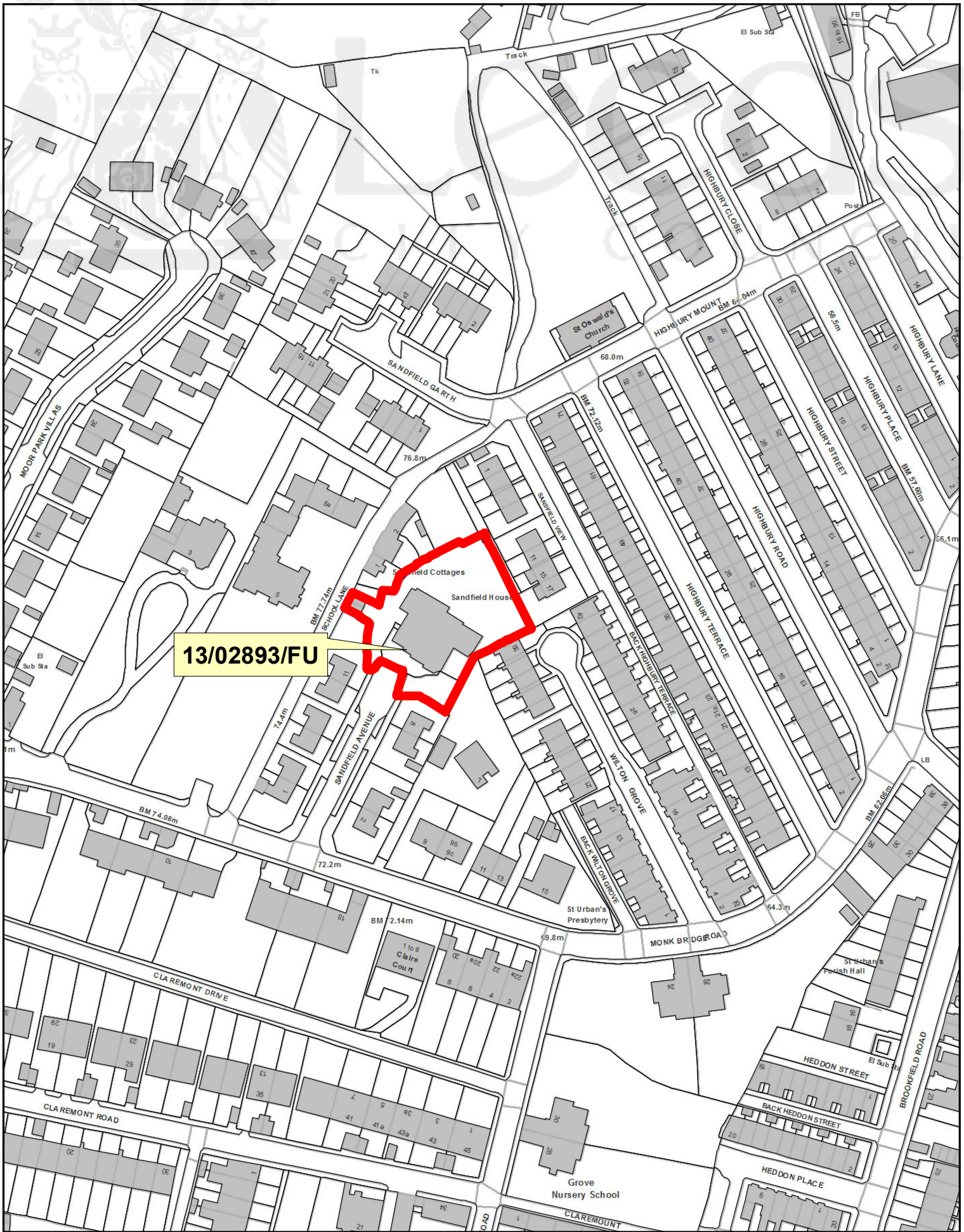
potential implications in terms of parking congestion on Sandfield Avenue and nearby residential streets. However, given the potential for an even greater impact through an alternative C2 planning use, which would not require planning permission, it is considered that a planning objection could not be sustained on these grounds.

- 10.19 It is also considered that the development will potentially lead to some impact on neighbouring amenity in terms of comings and goings from the rear car park proposed. However, it is considered that the proposal includes measures which will mitigate these impacts to a level that won't be significantly harmful to neighbouring residential amenity. It is further noted that appropriate planning conditions will help to ensure this is the case.
- 10.20 Taking the above and all other material planning considerations put forward into account it is considered, on balance, that the proposal should be recommended for a planning approval.

**Background Papers:**

Application file;

Certificate of Ownership.



13/02893/FU

# SOUTH AND WEST PLANS PANEL

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SCALE : 1/1500

