

## Report of the Chief Planning Officer

### NORTH AND EAST PLANS PANEL

Date: 5<sup>th</sup> February 2015

**Subject: 14/06905/FU – Land to the Rear of Former Shoulder of Mutton Public House (presently Inkwel) Off Garmont Road – Detached Block of Nine Flats**

#### APPLICANT

Mr K Singh

#### DATE VALID

1 December 2014

#### TARGET DATE

26 January 2015

#### Electoral Wards Affected: Chapel Allerton

☐ Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

☐ Y

Community Cohesion

☐ Y

Narrowing the Gap

☐ N

### RECOMMENDATION: REFUSE permission for the following reasons:

1. The development would remove a garden area which is part of a recognised community facility and as such would adversely impact on the health and wellbeing of the facilities users who are a particularly vulnerable section of society. No satisfactory alternative provision is made within the submission to off-set this loss and as such the proposal is contrary to Policy P9 of the Core Strategy and to advice in the NPPF that seeks to support development that improves health, social and cultural wellbeing.
2. The development is considered to represent an incongruous intrusion into the locality in that its form, design, scale and massing, and positioning pays no regard to the established pattern of development or surrounding architectural styles and as such is contrary to policies P10 and P12 of the Core Strategy and to saved policy GP5 of the former UDPR. It is also considered that the development is contrary to advice in the NPPF relating to Good Design and sustainable development.
3. The proposal represents an overdevelopment of the site in that the communal shared amenity space is not easily accessible from some of the units in that excessive distances from the units front door to the nearest point of the communal amenity space need to be traversed and insufficient landscaping space remains particularly to the frontage of the site where the site is dominated by hardsurfacing and car parking,

as such the proposal is contrary to P12 of the Core Strategy and LD1 of the former UDPR.

- 4 The layout in an unsecured site is not considered to be compliant with minimum 'Secured by Design' standards in that the car park spaces are not readily overlooked and surveyed and the 'front doors' to the flats accessed from the proposed car parking area are recessed and hidden from view. It is therefore considered that the proposal, if allowed would result in a development where the occupiers and visitors to the property would at certain times of the day feel vulnerable. This is considered to be contrary to P10 of the Core Strategy and to the Spatial Vision of the Core Strategy.

## **1.0 INTRODUCTION**

- 1.1 This application is brought to Plans Panel due to the sensitive nature of some aspects of the proposal in relation to the service users at Inkwell and the impact that this proposal might have on a community facility. In addition, there has been a high level of public interest expressed throughout the processing of the application so in the interests of transparency the proposal is brought to Plans Panel for determination.

## **2.0 PROPOSAL**

- 2.1 The proposal seeks to build 9 residential units in the form of apartments on what was the beer garden of the former Shoulder of Mutton Public House. The development consists of a single block of varying heights from single storey to three storeys and is positioned on the site in a north south orientation with the front elevation facing east and the rear elevation facing west. Access is proposed off Garmont Road where it forms a 90 degree bend. Thirteen car parking spaces are proposed.
- 2.2 The proposal is a modern design consisting of a three storey element located to the north of the site, (closest to the Inkwell building), dropping to a single storey element which houses a roof terrace before rising to a two and half storey mono-pitched element then finally a flat roofed two storey element closest to the boundaries of properties facing St Martins Road. The three storey element is roofed with a metal seam roof and the second and first floor elements of the proposal are shown as white render. This 'sits' on a brick plinth forming the ground floor level of the building.
- 2.3 Access to the apartments is from the car parking area on the eastern side of the proposed block and the 'front' doors to the apartments are variously in the front elevation facing that car park for three of the apartments or in brick projections giving access to stairwells that in turn access the first floor apartments.
- 2.4 Three of the apartments at first floor level are described as duplex apartments in that the living accommodation is at first floor level and bedrooms are on the second floor level of the block. (These are two bedroomed apartments) There are four ground floor apartments proposed each of which have access directly to a private area of amenity space which lies to the west of the block, Beyond which is an area of communal amenity space which runs the entire length of the site and separates the development from the rear gardens of properties on Blake Grove. (Three of these are two bedroomed apartments and one is a one bedroomed apartment). The final apartment which is on the first floor and is a two bedroomed apartment, is

to the south end of the block and is the apartment that enjoys exclusive access to the roof terrace located between the three storey element of the proposal and that apartment.

### **3.0 SITE AND SURROUNDINGS:**

- 3.1 The site sits on a relatively level area of land which is accessed from the rear of Inkwel from the North, via brick steps (presently), or from a recently cleared zone of overgrown trees and bushes off Garmont Road. The Inkwel property to the north is raised above the site and the surrounding residential properties on the south and west are at a lower level. A gated access to the site exists presently which appears to be little used but if allowed will be removed to allow for access to the site. Trees and bushes have already been cleared from this area of land opening up this access considerably. None of the trees at the site benefit from Tree Preservation Protection.
- 3.2 The surrounding properties are all two storey in height and are predominantly of a domestic design scale and appearance. The Inkwel building to the north has south facing windows which directly overlook the application site. These windows are elevated in relation to the levels of the application site due to the land rising towards Potternewton Lane. The former Shoulder of Mutton public house is known now as Inkwel and offers support to people with mental health issues. It does this through a variety of functions including access to the arts, education support, and various activities that are undertaken presently in the former beer garden of the property. The functions at Inkwel appear to not be limited to end users of the support function that it primarily serves as many members of the community and volunteer organisations have made representations as to their usage of the facilities.
- 3.3 From the adjoining properties on Potternewton Lane, round the junction with Blake Grove and St Martins Road form a sense of a place of which the gardens of the former public house is the 'heart' of. The properties in Blake Grove and St Martins Road are all two storey dwellings beyond which to the west of Blake Grove the character changes to Victorian/Edwardian terraced properties. The remainder of the properties to the west, south west and south are predominantly inter-war semi-detached dwellings.

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

- 4.1 09/01723/FU – Change of use from a Public House to a Community Arts Centre – Approved 14/07/2009 Now occupied by Inkwel supported by MIND.

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

- 5.1 The applicant submitted a pre application consultation to officers in the Autumn of 2014. However, there was such time pressures on the applicant that they refused to allow the pre application process to complete before they insisted that feedback be given to them. To this end the applicants were given limited feedback on the development proposal and they submitted the current application as a consequence. The limited advice given to them at the pre-application stage was that there may be concerns over the design and size of the development proposed due to the nature of the surrounding and established pattern of development. That

they should minimise the loss of trees and give consideration to the space around the building and the neighbouring properties.

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

- 6.1 The application has been advertised by means of individual letters to surrounding properties and by the posting of 5 site notices displayed on Potternewton Lane, Garmont Road, Blake Grove, St Matins Road. As a result of this public consultation procedure circa 109 representations of objection have been received and one letter of support. The objections have sourced from a variety of respondents including, local residents, end users of the Inkwell building, local pressure groups including the save the Inkwell Garden campaign and the Conservation Volunteers group. A number of representations by GP's and others in the medical profession have also been made and a petition containing circa 839 signatories has been submitted objecting to the proposal. Time for comments to this public consultation exercise expired on 22 January 2015.

A summary of the numerous reasons for objections include:

- Loss of a significant community facility that benefits not only the end users of Inkwell but the wider community as a whole.
- Loss of outlook from Inkwell
- Will impact on Inkwell's ability to provide the service it presently provides
- No replacement provision made and would be very difficult anyhow.
- The garden is an integral part of the Inkwell Function
- Loss of Green Space
- Impact on Green Corridor
- The gardens have a vital role in promoting health, wellbeing and community cohesion.
- Loss of a valuable space at the heart of the local community
- A short term decision for purely financial gain contradicts the vision of Leeds in support of community facilities.
- Gardens provides a positive contribution for the growing of vegetables, a haven for users of Inkwell and teaching facilities
- Inkwell is a national example of best practice in the field of mental health provision and the loss of the garden will diminish this asset.
- Flats are inappropriate development.
- Inkwell acts as a link between those in the community recovering from mental health problems and the surrounding residents, the loss of this green space will diminish its ability to be this link.
- Loss of sunlight to adjoining gardens
- Loss of privacy due to levels differences
- Highway safety
- Inadequate car parking
- Noise during construction
- Overlooking
- Loss of privacy
- Increase in traffic
- Adverse impact on character of area
- Over-development
- Drainage issues
- May lead to loss of Inkwell itself
- Loss of view
- Nine flats look overcrowded and greedy

Poor design

Part of the land which the applicant is relying on to use as the means of access is not under their ownership and the discrepancy between the names on the certificates issued.

The claim that the land is no longer in use is inaccurate as it clearly is.

- 6.2 Comments in support of the development are that the application site is in the ownership of the applicant and therefore their intentions of the use of the land takes precedence, there is a chronic shortage of housing nationwide and within Leeds, Chapel Allerton is a desirable place to live and this will encourage the local economy and the design is acceptable.

## 7.0 CONSULTATIONS RESPONSES:

- 7.1 Statutory Consultees - None

- 7.2 None Statutory Consultees;

**Landscape Team** – Raises concerns over several matters; The footpath over the site, Tree survey not accurately plotted according to BS standards, No Arboricultural Impact Assessment submitted, Fear that the trees shown as retained will be damaged anyway, No real mitigation of loss of tree cover, loss of amenity space for existing building.

**Highways** – No objection in principle however amendments requested in regards to means of access off Garmont Road. These have now been submitted. It is considered that the level of off street car parking proposed is adequate for this number of units.

**Contaminated Land Team** – No objections subject to the imposition of conditions requiring the submission of further details from factors arising from the site investigation report should planning permission be granted

**Urban Design Team** – Concerns over the form of the development in that it fails to respect the local vernacular in that whilst a pastiche of the surrounding properties would not be desirable, the size and density including the pattern of the surrounding development is ignored in favour of 'squeezing' more units on the site than would otherwise be the case if the local vernacular had been assessed more fully.

**Public Rights of Way** – A public footpath does not exist in the vicinity of the site however an application has been made in an attempt to try and secure one across the car park of the former public house, using the steps down to the area that forms part of the proposed access and car parking of this application. It is unlikely that the final determination to this becoming a lawful and adopted footpath in the foreseeable future will occur.

**Open Space Society** – no response at time of writing this report

**Mains Drainage** – No objection subject to the imposition of conditions should planning permission be granted to ensure that the development does not contribute to the risk of off-site flooding is not increased.

**Yorkshire Water** – No response at time of drafting this report, however it would be anticipated that they would concur with the advice given by Flood Risk Management of Mains Drainage.

## 8.0 PLANNING POLICIES:

- 8.1 The development plan is the Local Development Framework, the Core Strategy of which was adopted by the Council on 12 November 2014, as well as saved policies from the former Unitary Development Plan and which also form part of the Adopted Local Plan. The Local Plan also includes the Natural Recourses and Waste DPD. Of the Core Strategy the following policies are considered relevant:

Relevant objectives under the Spatial Vision include:

8. Deliver housing growth in sustainable locations related to the Settlement Hierarchy by prioritising previously developed land in urban areas.

11. Support the provision of community infrastructure that is tailored to meet the needs of the community including high quality health, education and training, cultural and recreation, and community facilities and spaces.

12. Support high quality design.....to create and maintain distinctive and cohesive places.

13. Promote the physical, economic, and social regeneration of areas taking into account the needs and aspirations of local communities.

The site lies within the Main Urban Area as defined by the Core Strategy (Map 3 Settlement Hierarchy).

**Spatial Policy 1:** Location of Development says, inter alia,

(i) The largest amount of development will be located in the Main Urban Area and Major Settlements

(ii) priority for identifying land for development will be as follows:

a) previously developed land and buildings within the Main Urban Area

(iii) For development to respect and enhance the local character and identity of places and neighbourhoods.

**Spatial Policy 6** identifies that 500 dwellings per annum will be supplied by small and unidentified housing sites towards the housing provision of the Core Strategy.

**Spatial Policy 8** in support of the Local Economy seeks to retain and develop local services and community facilities, support training/skills and promote these through social enterprise and the voluntary sector.

**Policy H2** seeks to support the provision of housing developments on non-allocated site provided that:

(i) The number of dwellings does not exceed the capacity of transport, educational and health infrastructure, as existing.

(ii) For developments of 5 or more dwellings the location accords with Accessibility Standards in Table 2 of Appendix 3 of the Core Strategy.

Additionally, the policy seeks to ensure that on greenfield land any development does not detract from a sites intrinsic value as amenity space or its contribution to the spatial character of the area within which it is located.

**Policy P9** seeks to support the provision and maintenance of community facilities and other services and specifically states that “where proposals would result in the loss of an existing facility or service, satisfactory alternative provision should be made elsewhere within the community if a sufficient level of need is identified.”

**Policy P10** seeks to ensure that new developments are based on a through contextual analysis and provide good design that is appropriate to its location, scale and function. The policy also seek to encourage community involvement in

the schemes evolution and will support schemes which accord with certain key principles including:

Size, Scale design and layout appropriate to its context

Protects the visual and residential amenity of the locality

Protects and enhances surrounding useable spaces, privacy and penetration of sunlight and daylight.

**Policy T2** supports proposals that are located in accessible locations and adequately served by public transport with safe and secure access for pedestrians, cyclists and people with impaired mobility.

**EN5** seeks to manage the potential for flood risk as a result of new development by controlling such things as surface water run off rates.

8.2 Saved UDP Policies that are considered relevant:

**GP5** – Seeks to deal with matters of detail t the planning application stage

**N25** – Seeks to ensure that site boundaries are treated and designed in a positive manner using walls, Hedges or railings which are appropriate to the character of the area.

**BD2** – Seeks to ensure high quality design of new buildings

**BD5** – Seeks to ensure adequate provision of amenity to the development site itself and to respect the amenity of adjoining buildings.

**LD1** – seeks to ensure adequate landscaping of development sites

Advice contained in the SPG – Neighbourhoods for Living is also considered relevant.

8.3 National Planning Policy Framework

This document sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system and strongly promotes good design. The NPPF also seeks to promote sustainable developments that reflects the community's needs and supports its health, social and cultural well-being; and contributes to protecting our built environment. (page 2).

8.4 Paragraph 12 of the NPPF states that developments that accord with the Local Plan should be approved and proposals that conflict with it should be refused. Within the Core Planning Principles of Paragraph 17 of the NPPF the following are considered relevant to this development proposal;

Seek high quality of design and good standard of amenity for all existing and future occupants of land and buildings

Recognise that some open land can perform many functions.

Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilitates and services to meet local needs

8.5 Paragraph 56 emphasises that Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 47 expands on this by stating that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and

wider area development schemes. The advice continues that developments should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places. The development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging innovation where this is appropriate. Further, that development proposals should create safe and accessible environments where crime or the fear of crime do not undermine social cohesion and result in visually attractive developments as a result of good architecture and appropriate landscaping. The NPPF also supports the reinforcement of local distinctiveness.

- 8.6 The NPPF at paragraph 64 supports the refusal of development of poor design that fails to improve the character and quality of the area in the way that it functions but also warns against refusing buildings that promote a high level of sustainability because of concerns about incompatibility with existing townscapes. The NPPF also expects that applicants will have worked closely with those directly affected by their proposals in order to take account of the views of the community.
- 9.7 The NPPF also places great emphasis on the promotion of healthy communities, this is through the provision, protection and enhancement of social, cultural recreational and community needs, Paragraph 70 of the NPPF says that planning decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day – to – day needs. It also advises that Local Planning Authorities should ensure that established facilities are able to be retained for the benefit of the community.
- 9.8 At paragraph 197 the NPPF reminds us that authorities should apply the principle of a presumption in favour of sustainable development.

## **9.0 MAIN ISSUES**

- 9.1 The main issues regarding the development are:
- Principle of the Development
  - Impact on neighbours amenity
  - Design
  - Highways
  - Equality and social cohesion Issues
  - Other matters raised by objectors not covered in above issues

## **10.0 APPRAISAL**

### Principle of the Development

- 10.1 In pure land use terms the principle of residential development in a predominantly residential location would ordinarily be acceptable. However the principle of the development extends beyond the simple use of a particular site in its context and needs to be assessed in the policy context within which the site and the proposed development for it finds itself. In the case of this site there are strong policy reasons why this site is not considered acceptable for residential development which have not been addressed by the applicants. Namely Policy P9 of the Core Strategy. This policy seeks to ensure that where community uses are displaced as a result of development proposals that they are replaced in a suitable location or in a suitable manner.



- 10.2 In this instance the application site is the former beer garden to the former public house. When the application to convert the former public house to the present use was made under planning reference 09/01723/FU, the entirety of that beer garden space was included within that application site boundary. Therefore the garden is presently been used and occupied lawfully under that permission as the garden is, as it has always been since the construction of the public house, ancillary to the main use of the property. This does not necessarily mean that the two components of the planning unit could never be divorced from each other but it does add weight to current use of the garden in association with the main building. In essence the use of the garden area is very much complimentary to the use of the building as a community facility.
- 10.3 It is clear from the sheer number of representations received that the occupation of this property by Mind has created a community facility that is well used, liked and beneficial to the local community, which given the unique nature of Inkwell may extend well beyond the immediate geography of Chapeltown to the south and Chapel Allerton to the north. There is also the issue of the services offered by Inkwell impacting on a section of the community that are disadvantaged due to the illness suffered by them. As many of the traditional services that used to be offered by Local Authorities and Health Authorities are increasingly being provided by independent third party organisations these facilitates are increasingly important to their end users and the local communities within which they operate.
- 10.4 From a site inspection and the representations received from local residents and end users of Inkwell it is apparent that these gardens are well used and liked by the local community, they are an integral part of the mental health support services offered by Inkwell and form a community use that should be protected by policy P9.
- 10.5 Officers have had site of confidential documentation which shows that the tenure of the gardens to Mind are not on a secure tenancy basis in the same way that the building itself is. To this end, should planning permission be refused, there is nothing to prevent the applicant who is also the landlord from refusing to re-new the arrangement for occupation of the garden separately from the occupation of the building itself and so the facilities on offer to Mind could cease whatever the outcome of this planning process. To this end, consideration should be given to this possibility in the final decision making process with regards to this development proposal. However the clear requirements of policy P9 are that provision should be made elsewhere within the community of satisfactory alternative provision which this proposal fails to do.
- 10.6 It is concluded therefore that this development proposal on this site at this time is considered unacceptable in principle.

#### Impact on Neighbours Amenity

- 10.7 The proposed structure is surrounded on two sides by existing residential properties all of which 'back onto' the application site. In addition Inkwell itself has large widows at ground and first floor levels which directly overlook the application site. Given that the proposals are for a residential scheme the minimum distances to boundaries advised in Neighbourhoods for Living are required. These distances are however a starting point for residential developments and are assumed on level sites for two storey developments. Beyond this individual assessment is needed to ensure that the amenity of existing neighbours and future neighbours is not

adversely affected. This is usually done by a proportional increase in distance from the site boundary for every floor height increase.

- 10.8 Given that this development is orientated east west the critical boundary in this respect is the west boundary with properties that front Blake Grove. The distance between the proposed rear elevation of the scheme and the common boundary with those properties is 16 metres. The Blake Grove properties typically have gardens in excess of the minimum garden lengths contained in Neighbourhoods for Living of 10.5 metres and are obliquely angled to that common boundary. Given that the third (top) floor of the proposed development contains bedrooms Neighbourhoods for Living advises a minimum of 7.5 metres. This figure is doubled by the proposal taking into account the increase in height over the 'normal' two storey development and therefore it is concluded that any impact as a result of loss of privacy due to overlooking would be minimised and the proposal is considered acceptable in this respect.
- 10.9 Where properties back onto the site from St Martins Road, these properties are at a lower level than the application site and the developers have designed the block to be only two storeys at this southern end. This means that the development will be most notable from bedroom windows of those properties although where the vegetation is sparse views from the private garden space of those properties will be of a proportionally higher building due to this level difference. The elevation facing the south common boundary contains windows serving a ground floor bedroom and kitchen area. The distances of this elevation to the common boundary is shown at 16 metres which given the advice on minimum distances in Neighbourhoods for Living is considered acceptable.
- 10.10 High level windows which are shown on this south elevation which cannot easily be identified on the floor plans. These windows are shown as a series of five connected windows and following clarification are windows set in the elevation of a mono-pitch roof serving the first floor flat in the two storey section of the block. Given that they are high-level windows and are set 21 metres away from the common boundary they are considered acceptable.
- 10.11 Subject to the necessary clarification for the issue raised in Paragraph 10.10 above the distances of proposed windows to common boundaries with existing residential properties is acceptable.
- 10.12 The Council do not have minimum standards for the relationships between properties of a non-domestic nature and so the relationship between the north elevation of the proposed block and the existing Inkwell building needs to be assessed on its merits. Originally the property was a public house with living accommodation at first floor level. However the building has now been converted to a community use with rooms fulfilling various functions. Many of these are related to the support that the facility offers end users of Inkwell and so have un-restricted views over the garden space. The proposals show that only high-level windows serving ground floor kitchens are proposed in this elevation the rest of the wall, at three storeys being blank. The distance between this blank wall, albeit at a lower level than Inkwell, and the rear elevation of Inkwell itself (not the common boundary) is only 15 metres. Therefore the predominant outlook from the Inkwell building will be that of a blank rendered wall. It is considered that such a drastic alteration of outlook from the Inkwell building will have an impact on the end users of its services and their mental health problems thereby impacting on the effective work that this facility provides. There is therefore an argument that whilst not residential in nature there will be an adverse impact on the amenities of users and

occupiers of Inkwell which needs special consideration due to their status as vulnerable section of society. However given that the relationship is one which exceeds the minimum guidance in Neighbourhoods for Living this issue contributes more to the principle of the development rather than being a reason for refusal in its own right.

- 10.13 The development proposal is situated to the north of gardens of properties fronting St Martins Road and there exists a generous gap between the proposed development and those properties and it sits to the east of properties facing Blake Grove where again a generous gap exists between those properties and the development proposed. Whilst at certain times of the year, when the sun is particularly low in the sky there may be some long shadows cast towards the properties facing Blake Grove, it is not considered that the impact on the amenities of occupiers of those properties would be so great to justify a refusal of planning permission.

### Design

- 10.14 Whilst design is often seen as simply the external appearance of the building it is also includes the proposals context and siting as elements of its design. To this end this section will deal with these two elements of design in turn.
- 10.15 The proposed building is a modern rendered block with variations in height which add interest and, it is understood are, to help the development respond to the various levels differences of surrounding existing developments. There are concerns that it does not respond to its context or comply with secured by design principles. This is because the doors to the various apartments are either recessed under overhanging elements of the upper floors of the building or are secreted away in projections that force them to turn their backs on the adjoining car park and main access route. The proposal does not sit within a secured site and access is freely available from Garmont Road to the car park area. Likewise, in secured by design terms the car park itself is not readily surveyed by ground floor windows and the majority of windows overlooking the car park are serving corridors or bathrooms and so no natural or active surveillance of the car parking area will exist, further exacerbating secured by design concerns.
- 10.16 In other respects the design does not reflect the local vernacular, and whilst an evolution of the architectural styles of the area would be considered unacceptable, there is no 'precedent' for the very modernistic approach proposed here. The scale of the building being predominantly three storeys is considered inappropriate amongst predominantly two storey elements and the closest example of the 'block' approach are the Victorian/Edwardian Terraces to the west which are severed from the application site by inter-war semi-detached properties. It is therefore considered that the design is out of keeping with its surrounding vernacular and will result in an incongruous development in this context.
- 10.17 It is considered that the sweep of buildings from Inkwell round Blake Grove into St Martins Road create a 'place' that in urban design terms is defined by the existence of the open space of the garden land. It is considered that this 'place' is defined by the scale and positioning of the buildings and whilst this in and of itself would not rule out some development of this land, it is considered that the place a building fairly central to the site which pays no regards to this sense of 'place' will result in poor planning. At present it is as if the building forms the function of a 'plug' i.e. it fills the centre of the space rather than respect the pattern around the edge of the space. . Rather it, if anything is capable of been developed on this piece of land,

should respect the existing pattern, be scaled down and 'complete the circle'. This would retain a space around which the buildings sit and be more in keeping with the local pattern of development.

- 10.18 Likewise the foot print of the proposed building is similar to that of the foot print of four of the nearby terraced houses. So on that basis the development proposed is more in keeping with a pattern of development that is very different from the predominantly inter-war properties that surround it but notwithstanding this, the same foot print seeks to provide over twice as many dwellings as those terraced houses do (in their original form). This is a density of development that is out of keeping with the area within which it sits and even more so when the plot size's and ratios of property to plot size (or available land surrounding those plots) is taken into account.
- 10.19 On balance it is therefore concluded that the development is unacceptable in the submitted form in this location on the basis of its design and good urban design principles.

#### Highways

- 10.20 The means of access was considered to require minor modifications in the interests of highway safety which have now been submitted and are considered acceptable. Likewise the provision of 13 spaces for 9 flats is considered an acceptable level of provision, as this provides one space per unit plus 4 visitor spaces clear of the highway.
- 10.21 It is apparent from submissions made by local residents that there is a desire line that runs from Potternewton Lane, across the car park of Inkwel down the steps to what is shown as the car parking and manoeuvring space for the present proposal onto Garmont Road. The interest in this is such that an application for the establishment of a Public Right of Way (PROW) has been made by local residents which is currently under consideration. If the PROW is established this may introduce a conflict between pedestrians and users of the car parking/manoeuvring space. However the time scales involved in such applications for the establishments of PROW means that a decision is not likely in the foreseeable future and there is no guarantee that a final decision will be in favour of the establishment of a PROW (as desirable as this might be from the residents perspective). To this end it is considered that whilst this is a factor that should be borne in mind, little weight should be given to this aspect in the determination of this application as it should not prejudice the applicant's position at this time.

#### Equality and Social Cohesion Issues

- 10.22 This aspect of the impact of development proposals is often seen in the context of ethnic minorities or people with disabilities of a more physical nature. However the mental health of communities is as material as either of the two cited examples and Leeds as a Council is committed to support of this section of its community as any other. The representations received as a result of the public consultation exercise emanate from a wide range of people with varying levels of involvement in the mental health issues of the service users of Inkwel. They range from members of the local community that have attended social events at the centre, such as the community bonfire night and May-Day celebrations/open day to service users, that is those with mental health problems or recovering from mental health issues who benefit from Inkwells services to GP's who recognise the benefits that such a facility provides to the recovery of people who suffer from mental health issues.

This is as much a social cohesion and equal opportunity issue as others that Plans Panel regularly deal with.

- 10.23 Whilst the presence of the Inkwell facility has been only over a relatively short period at this site, it is clear from the submissions made by the public that it has become as much a part of the community as the public house was before it and arguably a greater part of that community. The facilities it provides to end users and the general public at large are all reported as beneficial and an integral part of that is the activities that take place in the garden space. Not only do the end users of the Inkwell facility benefit from the gardens, but local volunteer groups do also in that they help maintain the gardens which in turn facilitates the use of the garden by sufferers of mental health problems and the general public as a whole. The diminished role that Inkwell will be able to play if the proposed development goes ahead will adversely impact on that service and adversely impact on the community cohesion which presently exists. In addition, its loss will be felt the more strongly by a particularly vulnerable sector of the community which Policy P9 and policies in the NPPF seek to protect.
- 10.24 It is anticipated that the counter argument to this is that the landlord (applicant) has the ultimate veto in that the arrangement with Inkwell is less secure in relation to their use of the Gardens than the arrangement for their occupation of the actual building itself, and that notwithstanding the decision of the Council in this matter in relation to their planning application, they can terminate the use of the gardens in association with Inkwell at an appropriate time.
- 10.25 Be that as it may, this is not seen to be determinative for the purposes of planning. The original application to convert the building from a Public House to the Inkwell use was made in the understanding that the gardens and adjoining car park were all part and parcel of the same planning unit. This planning unit has functioned since the grant of that planning permission to the benefit of the local community and vulnerable members of the wider Leeds community and therefore planning decisions should be made in accordance with those material considerations at the forefront and as supported by national and local policy.
- 10.26 Other matters raised by objectors not covered in above issues:

Loss of Green Space and Impact on Green Corridor;

Whilst the garden is a green space by virtue of being a garden it is not a green space in the planning sense of the term whereby it is identified explicitly as a space to be protected for its own right. The report acknowledges that the space is important locally for reasons other than those that the Green Space Policies of the Core Strategy seek to protect.

A short term decision for purely financial gain contradicts the vision of Leeds in support of community facilities;

This is the purpose of the decision making process to assess the material planning considerations of developments. That the developer is going to gain financially from the development is not such a material consideration

Flats are inappropriate development;

Whilst there are design and urban design issue as discussed in the main body of the report it is not necessarily so that as a matter of principle flats or apartments are inappropriate. Rather it is the overall form of the development and how it sits within its context that needs to be assessed.

Noise during construction:

Unless there are special considerations in regards to this it is often not the remit of the planning authority to control the construction of developments, however if planning permission was considered to be granted it is possible to control the hours of construction and delivery of building items by condition and to control such things as ensuring that vehicles have their wheels washed on site prior to leaving the site to prevent transferring of mud onto the Public Highway.

Drainage issues:

Again, unless there is a severe issue with regards to drainage of a particular site and the potential for flooding this is a technical issue that is usually dealt with under the Building Regulations. Should any issues be identified by Mains Drainage they can be dealt with by the imposition of conditions requiring details to be submitted prior to the commencement of development. Usually this would require the installation of a storage tank to control the flow of water off the site at times of heavy rainfall.

Part of the land which the applicant is relying on to use as the means of access is not under their ownership and the discrepancy between the names on the certificates issued:

This issue has been raised with the applicants and as a result they have fulfilled the requirements under the planning application regulations to post an advert in the local press and serve the relevant certificate on the Local Planning Authority. It is apparent that the Land Registry details relating to the area of land questioned by the local residents is not conclusive on this matter, however the form and pattern of the land would perhaps suggest that the area of land in question has been part of the curtilage of the Public House historically. From the Planning point of view, as long as the applicants have fulfilled the requirements under the planning application regulations this is no longer a material consideration in the determination of this application.

The applicants have been asked to address the discrepancy in the names on the certificates as the originally submitted form state a Mr Vas Singh is the owner and the recently submitted certificate 'D' states a Mrs Jas Singh is the applicant. This is a typo on behalf of the agents and the correct name is Mr Jas Singh as shown on the currently submitted certificate 'D'.

The claim that the land is no longer in use is inaccurate as it clearly is:

Whilst it is clearly stated on the application forms that the land is not in any use at present, this 'inaccuracy' in the submission is not determinative to the merits of the case. A site visit carried out by the Case Officer clearly showed that the land was under occupation by the Inkwell organisation and the many declarations of the members of the public through their submissions suggest that this statement might be somewhat less than accurate. That the reality of the situation is known to the Local Planning Authority and in particular the Plans Panel who is making the decision on this application is what is material in this case and what has a bearing on the recommendation made.

## **11.0 CONCLUSION**

- 11.1 The use of site represents a community use which caters for vulnerable members of the community and impacts in a very positive way on Leeds geographically wider than one might expect given the specialist nature of the activities that are

undertaken at Inkwell. The site is seen as a planning unit in its own right with the building and gardens forming both functionally and historically a coherent whole. The site in its entirety is occupied legally and so the full weight of the policy context can be brought to bear on the implications of this development proposal on the loss of this community facility. In addition there are some concerns in regards to the nature and form of the development in relation to its settings and it is for the reasons outlined and discussed in this report that the proposal is recommended for refusal of planning permission.

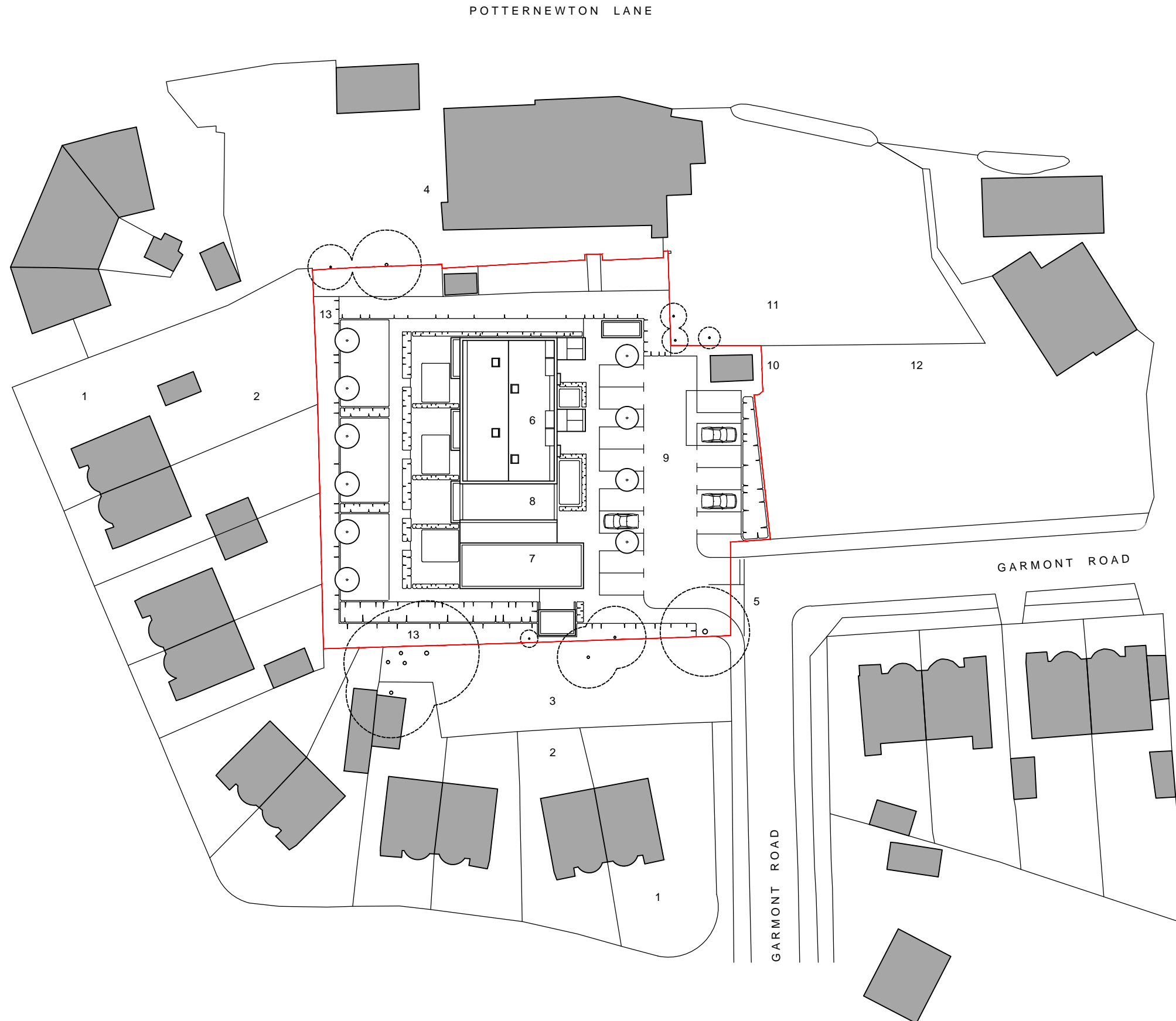
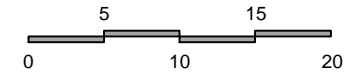
### **Background Papers:**

Application files : 14/06905/FU

Certificate of ownership: Certificate D Signed - Notice posted in Yorkshire Evening Post as ownership of entire site cannot be ascertained through land registry documentation



(1:500 SCALE @ A3)



- 1 EXISTING ADJACENT RESIDENTIAL PROPERTIES
- 2 ADJACENT REAR GARDENS
- 3 LANDSCAPING BETWEEN SITE & ADJACENT PROPERTIES
- 4 EXISTING BUILDING FRONTING POTTERNEWTON LANE
- 5 NEW ACCESS JUNCTION FROM GARMONT ROAD
- 6 APARTMENT BUILDING - 3 STOREY AREA
- 7 APARTMENT BUILDING - 2 STOREY AREA
- 8 APARTMENT BUILDING - SINGLE STOREY AREA
- 9 CAR PARKING FOR NEW APARTMENTS
- 10 EXISTING SUB-STATION RETAINED
- 11 EXISTING CAR PARK AT POTTERNEWTON LANE LEVEL
- 12 OPEN SCRUB & TREE COVERED AREA ADJACENT TO SITE
- 13 SCREENING LANDSCAPING TO SITE PERIMETER

**3xa DESIGN**

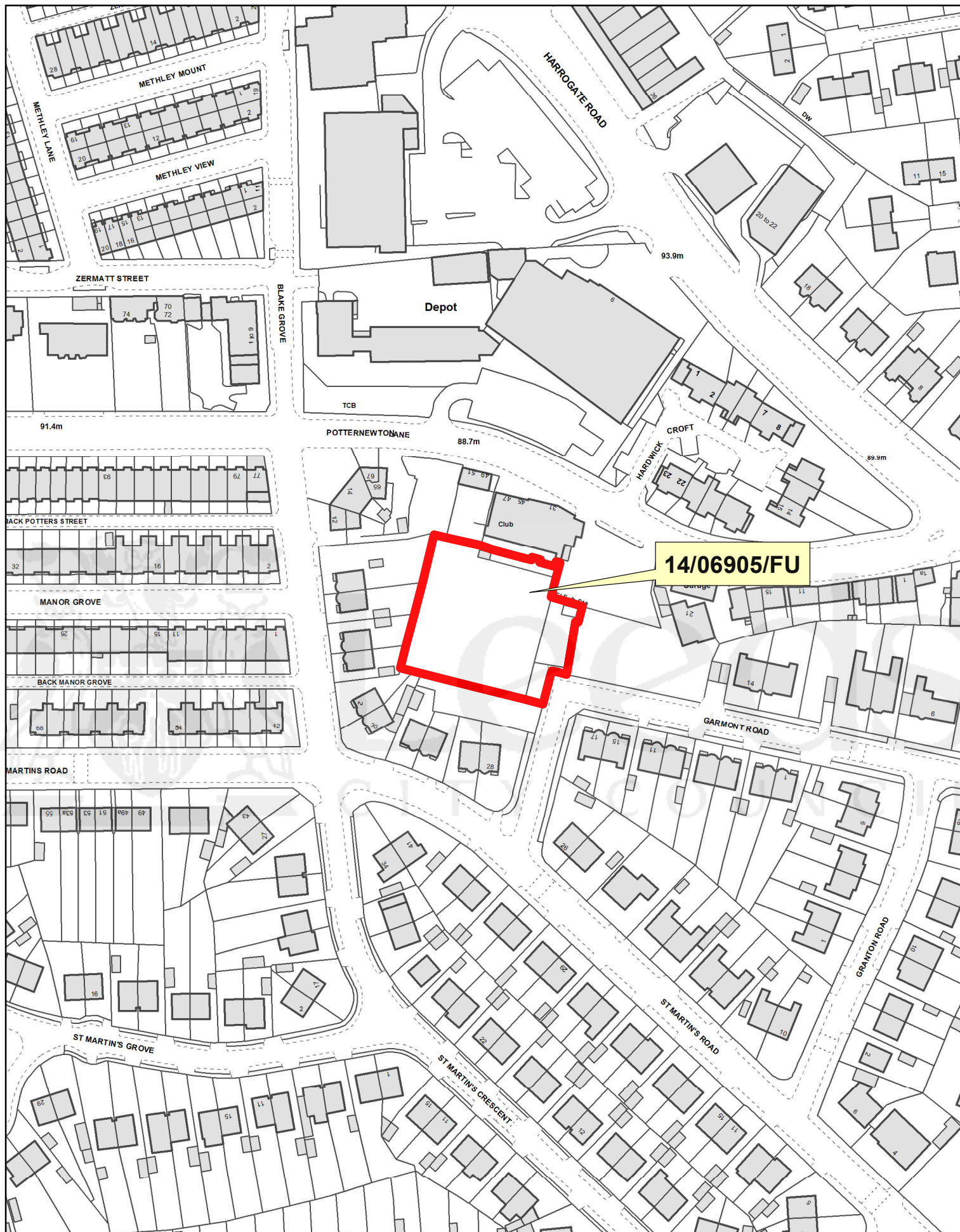
enquiries@3xa-design.co.uk 01274 588998 www.3xa-design.co.uk piazza offices, salts mill, saltaire, bd18 3la

project: APARTMENTS DEVELOPMENT  
location: POTTERNEWTON LANE. LEEDS  
client: J & V SINGH  
drawing: PROPOSED SITE PLAN

scale: 1:500 at A3  
date: NOV 2014  
drawn: RWB

reference: 142.054  
revision: -





# NORTH AND EAST PLANS PANEL

© Crown copyright and database rights 2014 Ordnance Survey 100019567

PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1500

