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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

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

**Subject: 14/06409/FU – Alterations and side extension to existing end terrace dwelling to form block of 6 apartments including associated landscaping at 146 Chapeltown Road, LS7 4EE**

**APPLICANT**

Leeds City Council  
Regeneration

**DATE VALID**

4<sup>th</sup> November 2014

**TARGET DATE**

30<sup>th</sup> December 2014

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**Electoral Wards Affected:**

**Chapel Allerton**

☐ Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity ☐

Community Cohesion ☐

Narrowing the Gap ☐

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**RECOMMENDATION: GRANT PERMISSION subject to the following conditions:**

1. Time limit on full permission
2. Development carried out in accordance with approved plans
3. Materials to be submitted
4. Details of windows, eaves and boundary treatments to be submitted and agreed
5. Landscape scheme including replacement planting and boundary treatments
6. Detail design of foundations
7. Construction Management statement
8. Laying out of parking area
9. Parking spaces to remain unallocated
10. Drainage details to be submitted and agreed
11. Scheme to protect residents from noise from adjacent nightclub to be submitted and approved
12. Existing and proposed ground levels and finished floor levels
13. Contaminated land investigation and remediation
14. Tree protection
15. Bin and cycle store details

## **1.0 INTRODUCTION**

- 1.1 The application is brought to Panel at the request of Councillor Jane Dowson who supports the principle of development but raises concerns over the design of the property and its impact on the conservation area.

### Background

- 1.2 In considering this application it is important that Members are made aware of the background to the submission of this scheme. As well as being within the Chapeltown conservation area the site is within the boundary of the Heritage Lottery Fund/Leeds City Council funded Townscape Heritage Initiative (THI). No.146 Chapeltown Road is the end terrace of a parade. In light of the prominent position of the site, the dilapidated nature of No. 146 and of the adjacent vacant plot this is an important site in the locality. It is on the council's Derelict and Nuisance programme due to its negative impact on the surrounding neighbourhood and providing an obstacle to future development.
- 1.3 The applicant has set out that the council originally owned the building and 1 Grange Avenue (demolished in 2005 due to its dilapidated condition) but sold it with the benefit of a covenant. As of 2000 four trustees own it– the covenant is still in place. The covenant states that if the property is not refurbished by 2010 then the council has the right to reacquire. This has commenced with the council seeking repossession through court action. With the benefit of the THI funding and in partnership with Unity Housing Association, and the demonstrable lack of ability of the trustees to work together to come up with a viable scheme, the decision was taken to commence the court action. The applicant has set out that this would not have happened at this time had all these factors not been in place due to the economic constraints that exist at this time.
- 1.4 Nevertheless due to the importance of this site to the locality it is clearly appropriate to achieve an appropriate use and building for this site.

## **2.0 PROPOSAL:**

- 2.1 The proposal is to refurbish No.146 Chapeltown Road and carry out a modern extension to create 6 apartments. The new extension is to be designed to complete the terrace in a sympathetic but contemporary manner.
- 2.2 The design of the extension aims to complete the end of the terrace in a contemporary design that has regard to the previously demolished building and the existing terrace. The building is two stories with accommodation in the roof. The ridge and eaves lines, roof form and proportions of the architectural features (gable to roof, bay windows, doors and windows) of the front and side elevations of the extension reflect that of the existing terrace. The extension does have a greater width than other properties in terrace to help the proposal to achieve the necessary level of accommodation to make the scheme viable.
- 2.3 As the extension is a modern addition and to help distinguish it from the terrace it is proposed that a smooth faced stone (as opposed to the pitched faced stone of the rest of the terrace) be used to face the front elevation. On the front elevation a vertical band of recessed stone is used to denote the start of the new build. This band rises from ground to eaves. The bay window on the front elevation is shown to be of a dark render with stone plinth. The windows are in timber with narrow powder coated

aluminium recessed insert panels above. The side elevation is similar in form but in brick and incorporates a gable and two storey bay window. This window will have a brick plinth. The rear elevation is of brick and includes two dormer windows that are framed in zinc standing seam cladding.

- 2.5 To facilitate the accommodation in the roof space a flat section of roof is proposed. This flat roof will be hidden from public view as it will sit central to the roof between three sections of pitched roof and below their ridge lines. A new red brick wall is proposed to extend to roof level between No. 146 and No.148. This wall stretches above the roof plane and projects above the ridge of the roof. Only limited views will be likely of this wall.
- 2.4 A low stone boundary wall with railings above is proposed to the front and side boundaries. A brick wall is also proposed to front common boundary between No. 146 and No. 148.
- 2.5 Three parking spaces are proposed at the rear which is accessed directly from Back Grange View.
- 2.6 The existing mature horse chestnut tree is shown to be retained. However, in light of the proximity of the extension this may affect its root system and consequently the long term health of the tree. The existing sub-station is also retained.
- 2.7 The proposed building has been designed to incorporate 2 No. two bedroom apartments to each floor.

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

- 3.1 The site is located at the junction of Chapeltown Road with Grange Avenue. The existing site forms part of a Victorian terrace of two storey town houses. The terrace has a split faced stone frontage with brick rear elevation and features bay windows at ground floor and gable features to the roof. The terrace is incomplete as the end terrace was demolished in 2005 following a fire. No.146 was also damaged in the fire. The planning application site includes the vacant plot which housed the demolished building and No.146 that is in a dilapidated condition and that currently marks the end of the terrace. To the rear of the site is a mature Horse Chesnut tree. There is a sub-station to the rear of the site.
- 3.2 The terrace has a mix of uses including apartments, a coffee shop and a nightclub. To the east of the site is brick terraced housing whilst the buildings surrounding the site include buildings in use for food and drink, retail and community facilities.
- 3.3 To the south of the site over Grange Avenue is a new apartment development. The site is near the local shops and other amenities including the recently constructed medical centre.
- 3.4 The site lies within the Chapeltown Conservation Area

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

- 4.1 H34/309/97 – 146 – 148 Chapeltown Road. Change of use to enlarged club with manager's accommodation. Approved

- 4.2 34/102/95/FU - 146 – 148 Chapeltown Road. Extensions. Approved.
- 4.3 34/123/00/FU - 146 – 148 Chapeltown Road. Change of use to enlarged club. Approved.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 This design was the subject of several pre application advice meetings and the scheme was formulated following advice given.
- 5.2 During the course of the consideration of the application a number of criticisms were raised of the design by 3<sup>rd</sup> parties. In light of this further advice was sought from the Design Review Panel and in light of the comments raised the applicant agreed to make the following revisions to the scheme:
- To amend the front elevation windows (first and second floor) to match those on the side elevation i.e. include the horizontal glazing bar.
  - Door to be similar to ones at Windrush Court i.e. large area of glass to maximize on light and increase security.
  - To replace the plinth below the new bay window with ashlar stone to match rest of front elevation.
  - To replace the rendering to the plinth to the new bay window with new red facing brickwork.
- 5.3 The applicant has not agreed to all of the revisions suggested by the Design Review Panel. These included that the doors should be solid form with a fan light above, that the design of the bays should be of a more similar form to those of the original terrace and that the stone should be closer match to the existing terrace and extend around the whole of the side elevation.
- 5.4 The applicant has stated that the timescales for the scheme are in a precarious position. Both the HCA and the HLF have strict controls in place as unused funding will be lost and it is highly unlikely that there will be any alternative funding allocated to it. Concerns are raised that if this happens then this will have a damaging affect on Chapeltown.

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

- 6.1 The application has been advertised by site notice dated 14<sup>th</sup> November 2014.
- 6.2 Councillor Dowson supports the principle of development but has raised concerns over the design of the scheme and that it does not pay enough regard to the context set by the existing terrace.
- 6.3 In addition four letters of objection have been received. One letter goes into significant detail and quotes various documents in support of the objections to the design and impact on the conservation area. This objector supports the principle of development and has gone to the effort of producing plans for an alternative scheme that shows a building of the same form and detailing as the building that originally existed on the site. The substantive points raised by the objectors are summarised below:
- The principle of development is supported but the design is inappropriate.

- The design fails to respect the form and detailing of the existing terrace and therefore harms the conservation area.
- A design that closes reflects the original building would be more appropriate (see 6.3 above).
- Elsewhere the council has required a very high standard of design and detailing of building and the same rigour is not being applied here.
- A residential use is not appropriate adjacent to a night club. It may put the future of this facility at risk and the resident of the proposed apartments will suffer noise disturbance.
- The current owners of No.146 object as they have alternative plans for that property.

## **7.0 CONSULTATIONS RESPONSES:**

- 7.1 Conservation - The proposed extension occupies a gap site that was left by the demolition of a derelict end of terrace property. It reflects the forms and proportions of the remaining terrace and the demolished property but is wider to accommodate a stair core. This will unbalance the terrace (originally symmetrical) on plan but given the functional need for a staircore which cannot be put anywhere else and the fact that the terrace is seen obliquely rather than as a true elevation, no objections are raised. The use of ashlar stone cladding will help to play down its visual weight in relation to the rest of the terrace which is constructed in pitch faced stone. The flat roof element of the extension is bulky and will break up the rear roof slope of the terrace, but it is set below the ridge height and invisible from Chapeltown Road within the conservation area. No objections are raised subject to appropriate conditions in respect of the detailing of the building.
- 7.2 Highways – No objections
- 7.3 Housing – No objections subject to conditions in respect of protection from noise from adjacent nightclub.
- 7.4 Mains Drainage - Raise no objection subject to the imposition of conditions.
- 7.5 Contaminated Land - Further information is required.
- 7.6 Landscape - Concerns raised over impact on tree at the rear of the site. Scheme likely to result in the loss of that tree. Foundations should be designed to minimise impact on the trees root system. If that fails an appropriate scheme of compensatory planting should be provided.

## **8.0 PLANNING POLICIES:**

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

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

- SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.
- H2 Housing on non-allocated sites must not exceed local infrastructure capacity.
- P10 Seeks to ensure that new development is well designed and respect its context.
- P11 Seeks to ensure that heritage assets are conserved and enhanced.
- T2 Seeks to ensure that new development does not harm highway safety.

The following saved UDP policies are also relevant:

- GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.
- BD5: Seeks to ensure new development protects amenity.
- N19: Seeks to ensure development within conservation areas preserves or enhances the character of the area.
- LD1: Seeks to ensure the quality of good development.

#### Supplementary Planning Guidance and Documents

8.3 Chapeltown Conservation Area Extension Appraisal – The site falls within Character Area 2- Chapeltown Road and the character of the area is described as follows:

“The houses along the east side of the road, north of Cowper Street, were built at the same time as the housing to the east. They are two storeys high, plus attic, have sandstone façades facing onto the main roads, with brick rear elevations, and have slate roofs. The rows of houses are punctuated by gables, with attic windows, facing onto the road. The gables originally had decorative bargeboards with decorative bracing (see Plate 8). In many cases these have been replaced with simpler barge boards. The buildings originally had stone front garden walls which harmonised with the earlier garden walls to the south. Where the buildings have been converted to shops, at the north end of the Conservation Area extension, the front gardens have been removed. The houses have ground floor bays beneath catslide roofs that extend over their front doors and their upper floors are characterised by having paired sash windows and their stone façades harmonise with the garden walls and other buildings in the Conservation Area. Some of these buildings are in very poor condition and in some instances have been gutted by fire (see Plate 9). The roofs of these houses originally had decorative ridge tiles and in a few cases these survive intact. Most have been replaced or are damaged.”

8.4 Under the heading “Issues & Opportunities for Enhancement” the following is set out and “plate 9” referred to in the text is a photograph of No. 146 Chapeltown Road:

“There is some vacancy in the ground floor shops in the shopping parades on Chapeltown Road and in the offices/flats above. A number of houses on the east side of Chapeltown Road, towards the north end of the Conservation Area extension, are empty and in very poor condition (see Plate 9). Four of these houses have already been demolished. Further demolitions should be resisted and opportunities for finding economic uses for these buildings and filling the vacant premises should be sought.”

#### National Planning Policy

- 8.5 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. 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.
- 8.6 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.
- 8.7 Sections 7 (design) and 11 (heritage) of the NPPF are relevant to the consideration of this application.

## **9.0 MAIN ISSUES**

- 1) Principle
- 2) Heritage/Design and Character
- 3) Residential Amenity
- 4) Highway Safety
- 5) Tree
- 6) Representations

## **10.0 APPRAISAL**

### Principle

- 10.1 It is considered that the principle of development complies with planning policy. No.146 is in a dilapidated state and is within the conservation area. Accordingly its refurbishment and bringing it back into beneficial use is welcomed. The extension is to take place on a site that was, in part, historically occupied by a building. The site is located within an urban area close to local amenities and is well served by public transport. The immediate locality is in mixed use and forms part of wider residential area. Accordingly the principle of built development and the residential use proposed are considered acceptable and the regeneration of the site is a matter matters that should carry significant weight in the decision process.

### Heritage/Design and Character

- 10.2 The National Planning Policy Framework states that "good design is indivisible from good planning" and authorities are encouraged to refuse "development of poor design", and that which "fails to take the opportunities available for the improving the character and quality of an area and the way it functions, should not be accepted". Core Strategy policy P10 and saved UDP policy GP5 seek to ensure that development is of high quality.
- 10.3 Sections 72 and 66 of the Listed Building and Conservation Area Act 1990 place a duty on local planning authorities to consider this aspect and give it significant weight. Core Strategy policy P11 and saved UDP policy N19 reflect this special duty and seek to ensure that development is appropriate to its context and preserves the city's heritage assets.

- 10.4 The application site is on a prominent site within the conservation area. It has been in a dilapidated condition for a number of years and it detracts from the conservation area and the wider locality generally. Nevertheless any new development should address the tests set out in planning policy and the decision maker has to have regard to the requirements of the Act (see above).
- 10.5 The refurbishment works largely re-instate the frontage of the No.146 back to its original form and accordingly no objections are raised. The spatial setting of the development is similar to that of other terraced properties that front Chapeltown Road.
- 10.6 The extension presents a contemporary design that has strong references to the existing terrace. The general form and scale of the extension reflects that of the terrace. The extension with the proportions of the window and door openings, eaves detailing, the gable features, the bay windows and materials are all reference points to the terrace. However, the detailing of the scheme distinguishes it from the terrace. The use of smooth faced stone, the clean sharp lines of the windows, the recessed stone and brick detailing and the contemporary form of the bay windows give the building a distinct appearance. In addition to the rear the zinc clad rectangular dormer windows are a contemporary elements.
- 10.7 The regeneration of the site has already been identified as a material consideration that should be afforded significant weight in the decision process. It is considered that the general form and scale of the building is in keeping with the terrace and wider conservation area. The design of the extension through its detailing also has regard to its historical context. For these reason it is considered that the proposal will serve to enhance the conservation area and complies with saved UDP policies N19 and BD5 and Core Strategy policies P10 and P11.
- 10.8 Members will note that an objector has suggested an alternative form of development and argues that this would be a better treatment of site. However, that scheme is not before the Plans Panel and the decision to be made is whether the proposal before you is acceptable in planning terms not is there a more desirable alternative.

#### Residential Amenity

- 10.9 Saved policy GP5 notes that extensions should protect amenity and policy BD5 notes that “all new buildings should be designed with consideration given to both their own amenity and that of their surroundings”. The proposed extension by reason of its scale, orientation and degree of separation to neighbouring properties would not cause any significant harm to the amenities of the residents of nearby properties.
- 10.10 The proposal delivers 6 two bed flats laid out over 3 floors. Each flat provides a good level of amenity with good room sizes, outlook and natural light penetration. Amenity space provision is limited but not of keeping with that which exists in the area. There are relatively small garden areas to the front, side and rear of the block and two flats do have balconies. Accordingly, no objections are raised to this aspect of the development.
- 10.11 The development neighbours an existing night club and this activity could clearly have a negative impact on the living conditions of the new residents. The application proposal seeks to address this by implementing sound reduction measures to the party wall between the properties and by providing a substantial brick boundary wall



to the front of No.146 that will screen the entrance to the nightclub from the front of No.146 and the front garden area. The flats also are arranged so that the bedrooms face to the rear to benefit from the quieter aspect of Back Grange View.

- 10.12 The night club also, from time to time, holds events outside of the front of the premises and so there is also a potential to result from this activity too. Consequently it is recommended that a scheme of measures, beyond internal noise internal attenuation works, be submitted for approval to protect the amenities of the new residents. This could include glazing details and mechanical ventilation.
- 10.13 It is understood that No.146 was last occupied as a dwelling. Accordingly that use could be re-instated without the need for planning permission. This application provides an opportunity to provide residential units but some control being exercised over the introduction and effectiveness of a sound reduction scheme. For these reasons no objections are raised on the grounds of amenity.

#### Highway Safety

- 10.14 Core Strategy policy T2 seeks to ensure that all developments achieve safe and secure access and are located in accessible locations. The site is located close to local facilities and is well served by public transport. Three off street parking spaces are proposed and in the circumstances described it is considered that this is sufficient.

#### Tree

- 10.15 A mature horse chestnut is located to the rear of the site. This is an attractive tree that is considered to be good health (although this is a point of contention with the applicant's arboricultural consultant) and is readily visible from public vantage points. In light of the proximity of the extension to the tree it is likely that the root system will be adversely affected by the proposed building works. This puts the longevity of the tree at risk. When this factor is weighed against the benefits that arise from the scheme it is not considered that planning permission should be refused in this instance. However, it is recommended that a condition be attached that requires details of the design of the foundations of the extension be submitted for approval.

#### Representations

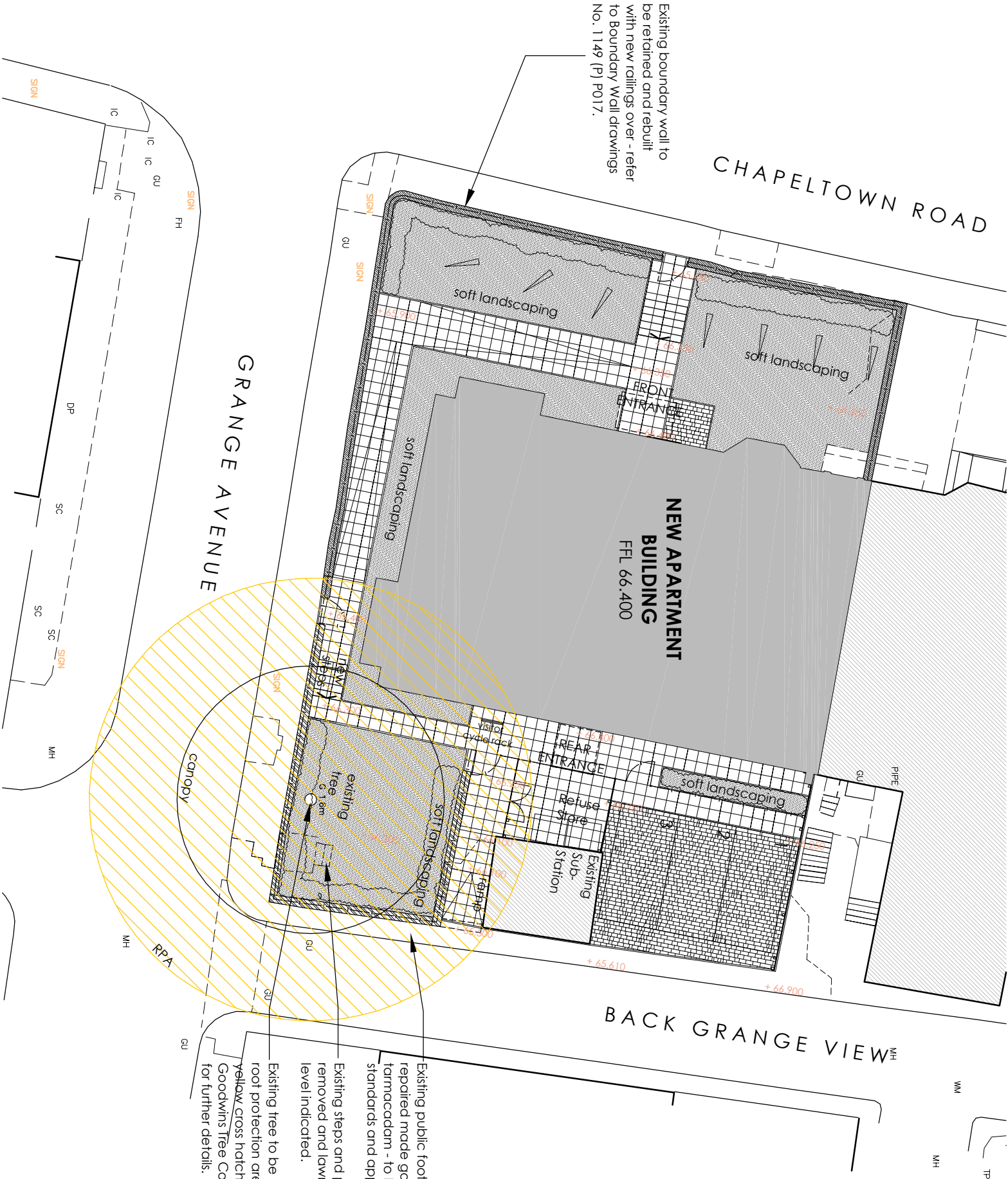
- 10.16 All material considerations raised through representations have been discussed above and none of the points raised are considered to be of such weight to change the balance of considerations set out above.

### **11.0 CONCLUSION**

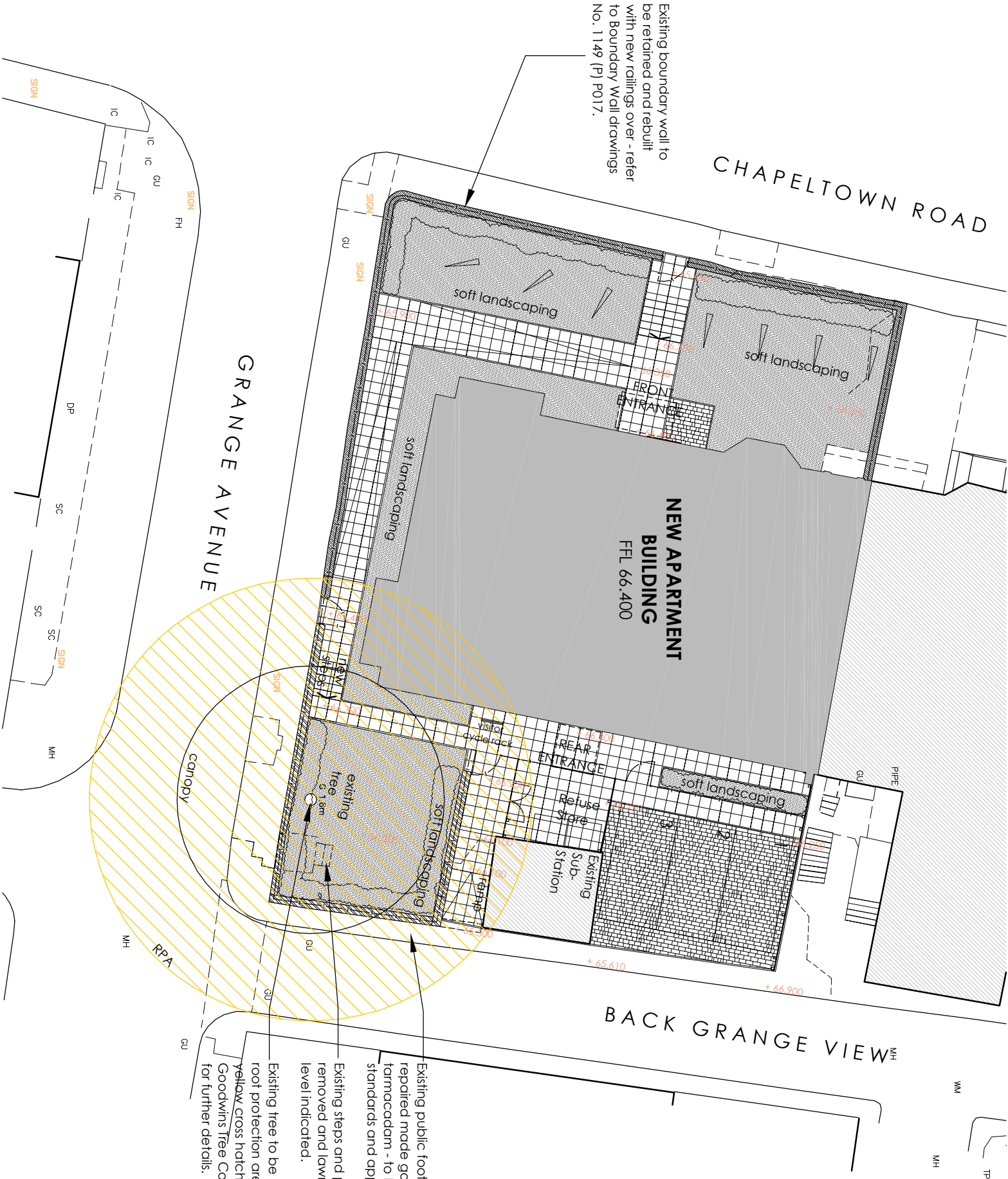
- 11.1 The application is therefore considered to be acceptable. The proposed development would not harm the special interest of the heritage assets, the amenity neighbours nor highway safety. As such the application is compliant with the relevant policies and guidance and approval is recommended.

#### **Background Papers:**

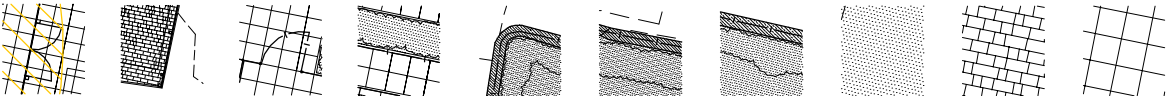
Application files	14/06409/FU
	Certificate of ownership: Notice served on Mr E Fearon, Mr W Small, Mr N Thompson, Mr E Ferguson.



Existing boundary wall to be retained and rebuilt with new railings over - refer to Boundary Wall drawings No. 1149 (P) P017.



- Existing public footpath to be repaired made good with tarmacadam - to Local Authority standards and approval.
- Existing steps and paving to be removed and lawn laid down to level indicated.
- Existing tree to be retained with root protection area (RPA) shown in yellow cross hatching. Refer to Goodwins Tree Consultant report for further details.



#### DRAWING NOTES

- Marshalls Conservation Textured paving slabs 450x450x50 mm on mortar dabs on well compacted sand to engineer's specification.
- Marshalls Tegula cobbles 80X80x60 mm on well compacted sand to engineer's specification.
- Turfed Area
- Soft Landscaped Area
- Painted galvanised steel railings - to boundary wall drawing.
- Painted galvanised steel railings over boundary wall - refer to boundary wall details.
- Painted galvanised steel railings - 1800mm high.
- Painted galvanised steel lockable gate - height to suit railings incorporating access control system.
- 2.0m high fully boarded timber fence to rear boundaries on treated timber posts with stain finish.
- 1.5m high fully boarded timber gates and fencing to bin store on treated timber posts with stain finish.
- All hard landscaping finishes to be on suitable substrate to structural engineer's design and specification.
- All soft landscaping subject to local authority approval. Refer to drawing number 1149 (P) P017 for boundary wall and refuse store details.

## SITE PLAN

Scale 1:200

north		GENERAL NOTES		REVISION	
		This drawing is to be read in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on site before commencing any work or producing shop drawings. The originator should be notified immediately of any discrepancy. This drawing is copyright and remains the property of Garnett Netherwood Architects Ltd.		Rev.	Date:
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# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

