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**Report of the Chief Planning Officer**

**NORTH AND EAST PLANS PANEL**

**Date: 30<sup>th</sup> June 2016**

**Subject: 16/01027/FU – Demolition of former care home and construction of five flats at 576 Harrogate Road, Moortown, Leeds, LS17 8DP**

**APPLICANT**

Mr K Brown

**DATE VALID**

22<sup>nd</sup> February 2016

**TARGET DATE**

6<sup>th</sup> July 2016 (Ext of time)

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**Electoral Wards Affected:**

**Alwoodley**

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 specified conditions.**

1. Commencement of development within 3 years
2. Development to accord with the approved plans
3. Samples of proposed materials
4. All areas to be used by vehicles have to be fully laid out, surfaced and drained such that surface water does not discharge or transfer onto the highway
5. Development shall not commence until feasibility study into the use of infiltration drainage methods has been submitted to and approved by the Council
6. A scheme detailing surface water drainage works to be submitted to and approved in writing by the Local Planning Authority
7. Windows located within the side elevation shall be obscure glazed
8. Standard Land Contamination Conditions
9. Submission of Landscaping scheme
10. Submission of boundary details

**1.0 INTRODUCTION**

- 1.1 The application is to demolish the former care home and the construction of five flats with parking.

1.2 The application has been requested to be reported to Plans Panel by Councillor Buckley. The reasons being loss of privacy, dominance, loss of light, Yorkshire Water drainage, trees and landscaping, design and parking.

## **2.0 PROPOSAL:**

2.1 The proposal seeks the demolition of the existing care home and the construction of five flats with off street parking. Residential parking totalling 8 spaces is to be provided to the rear of the site and a further 3 spaces for visitors to the front. The proposal will be constructed of red brick with a blue slate roof. The development will be slightly lower than the height of the existing care home.

2.2 Along the front boundary the applicant proposes a new wall with foliage and shrubs behind. With the planting to the front will be in keeping with the existing front boundary treatments along Harrogate Road. The site will have private amenity space located at the rear of the site which will be grassed, with trees and shrubs along the eastern boundary. The existing hedge along the northern boundary will be maintained and the southern boundary a new retaining wall will be constructed and the existing hedge will be improved.

2.3 The layout of the proposal shows that all bedrooms will be located to the rear of the building along with the communal stairwell and lift. The lounge and kitchen/dining rooms will be located to the front of the building facing onto Harrogate Road.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site currently contains a hipped roofed, two storey detached building that has been significantly extended over time (to the side and rear) and used as a care home. The building is located to the eastern side of Harrogate Road and is set within a predominately residential area with detached domestic properties set within relatively generous plots.

3.2 The properties to the south of the application site are set at higher ground levels whilst the property to the north is set lower. Properties on this part of Harrogate Road are set back from the road frontage.

3.3 To the north of the application site there is a shopping parade as well as a public house. Harrogate Road is a major arterial route into Leeds City Centre with regular public transport facilities.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 15/04672/FU Proposal: Demolition of former care home and construction of six flats with parking Status: Withdrawn Decision Date: 16-OCT-15

4.2 13/05233/FU Proposal: Demolition of care home and outbuildings and erect 3 storey block of 8 flats, with basement car parking Status: Refused Decision Date: 08-JUL-14.

4.3 The proposal was refused with three reasons placed on the decision notice, summarised below:

The proposed development was considered to be unacceptable by reason of the scale, mass, bulk, height and design. Moreover the appearance of the

underground parking entrance was considered unduly harmful by reason of being overly conspicuous and failing to respond to the domestic scale of its surroundings. The resultant scale building also introduced an overly dominant form of development which would be unduly harmful to the occupants of the flanking properties whilst the proposed first and second floor windows to the southern elevation of the development would have been detrimental to the privacy of the occupants No.20 Crescent Gardens whilst the second floor windows to the proposed rear elevation would introduce an unacceptable level of over-looking towards the private amenity areas of the properties to the south-east.

The applicant appealed the refusal and the Inspector dismissed the appeal.

- 4.4 H30/111/92/ Proposal: New pitched roof to existing extension and extension to form laundry to rear of aged person s home. Status: Approved Decision Date: 01-MAY-92
- 4.5 H30/472/89/ Proposal: Alterations including new lift, and to form toilets and office and extensions to form bedroom to rear, enlarged dining room Status: Approved Decision Date: 11-DEC-89
- 4.6 H30/68/88/ Proposal: Alterations and extensions, to form sluice room, to rear, and 3 bedrooms, to side of aged persons home. Status: Approved Decision Date: 11-APR-88
- 4.7 H30/434/86/ Proposal: Change of use, involving alterations, to form office, bedrooms and bathrooms and extension, to form bedroom and toilet Status: Approved Decision Date: 12-JAN-87

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 An initial pre-application enquiry was submitted (PREAPP/15/00805) for the demolition of existing care home and the construction of 6 flats. Officers met with the agent and applicant whilst the pre-application was still ongoing. It was advised to change the roof design from a gable to hip and to lower the ridge height, the eaves level to mirror the front and rear elevation of the proposed development, reduce the width and remove balconies at the rear, overcome highways concerns regarding the parking and access route, the landscaping to front, reposition the car port to the rear away from the proposed building and reduce the number of flats initially to 4, however during discussion Officers did relay to the applicant that 5 may also be appropriate if the roof space could be utilised to accommodate the additional flat.
- 5.2 The agent submitted the application for 5 flats with one flat located within the roof subsequently concerns were raised by Highways Officers in regards to with access to and from Harrogate Road and the width of the access at the side of the building to the parking at the rear. Revised plans were submitted and the new access and width is now considered acceptable in Highways terms.

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

- 6.1 The application has been advertised by a site notice and 10 notification letters posted to the occupiers of neighbouring properties advising that any comments should be submitted to the LPA by the 20 March 2016 (letters) and 1 April 2016 (site notice). However the LPA can take comments up to the date of expiry (6 July 2016).

6.2 There have been 4 objection letters received from members of the public and one from Councillor Buckley.

The points of concerns are summarised below:

- Loss of privacy
- Undue dominance towards No.18 and 20 Crescent Gardens
- Loss of light
- Drainage Issues
- Lack of details referring to the implementation of landscaping and that any planning permission should come with details of planting along the boundary with No.18 Crescent gardens.
- Design not in keeping with local area
- Parking – 8 spaces for 5 bed flats is inadequate
- Current application has not sufficiently addressed concerns raised by the Inspector in relation to earlier and similar applications regarding the bulk and mass and impact on neighbours.

6.3 Cllr Buckley has raised an objection to the proposed development and a request for this application to be determined at Plans Panel if Officers are minded to recommend granting planning permission. Cllr Buckley's point of concern are summarised below:

- Loss of privacy
- Loss of light/overshadowing
- Concerns regarding the impact on the local public sewer network
- Trees and landscaping – inadequate information regarding the proposed improvement to the existing hedge along the southern part of the garden. If permissions is granted condition relating to screening and boundary treatments will need to be agreed to protect all neighbours.
- Design – Not in keeping with immediate area and will look very much out of place.
- Parking – Provision of 8 spaces for 5 x 3 bedroom flats is inadequate. The development makes inadequate provision for cars to move around and safely manoeuvre within the site. Harrogate Road has tremendous issues with respect to the number of cars parked along it. The development will significantly add to an already difficult parking situation.
- The current application has not sufficiently addressed the concerns raised by the inspector in relation to earlier but very similar applications.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Highways - Objections were raised to the original submission. However, following revisions of the parking and the submission of a vehicle tracking plan, revised off street parking and a revision to the entrance, the proposal is now considered to be acceptable in Highways terms

7.2 Flood Risk Management (FRM) have indicated that the area is "highly compatible for infiltration SuDS" so that infiltration drainage/ soakaway must be investigated and used as far as practicable for the surface water drainage of the site. In addition, for the redevelopment of this brownfield site surface water discharges should be

reduced by a minimum of 30% of the present rate of discharge in accordance with the requirements of the council's Minimum Development Control Standards for Flood Risk. Two conditions (referred to above) should be imposed.

- 7.3 Contaminated Land - No objections to the application providing standard conditions and directions are applied.

## **8.0 PLANNING POLICIES:**

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

### Local Planning Policy

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

H2 Relates to new housing on unallocated sites.

P10 Seeks to ensure that new development is well designed, respects its context and does not harm amenity.

T2 Seeks to ensure that new development does not harm highway safety.

Spatial Policy 6 Identifies that 500 dwellings per year are anticipated to be delivered on small and unidentified sites

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 all new buildings should be designed with consideration to its own amenity and that of their surroundings.

- 8.3 Supplementary Planning Guidance 13 - Neighbourhoods for Living set of advice as to the suitable level of amenity space that should generally be provided for residential developments. This document states that private amenity for flats should have a provision of 25% of the gross internal area. However this advice must be weighed against considerations relating to the local context.

### National Planning Policy

- 8.4 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.

- 8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant

policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given accordingly, it is considered that the local planning policies mentioned above are consistent with the wider aims of the NPPF.

8.6 Section 7 (design) of the NPPF is relevant to the consideration of this application.

#### DCLG - Technical Housing Standards 2015

8.7 The above document sets internal space standards within new dwellings and is suitable for application across all tenures. The housing standards are a material consideration in dealing with planning applications. The government's Planning Practice Guidance advises that where a Local Planning Authority wishes to require an internal space standard it should only do so by reference in the local plan to the nationally described space standard. With this in mind the City Council is currently developing the Leeds Standard. However, as the Leeds Standard is at an early stage within the local plan process, and is in the process of moving towards adoption, only limited weight can be attached to it at this stage. The standards would apply to new builds and not to conversions.

8.8 In any event, and for the purposes of clarity and giving an indication as to the nature of the accommodation provided, it should be noted that the proposal exceeds the standards set out above.

8.9 In this instance the proposal consists of 5 x three bedroom flats therefore the housing standards require at the highest minimum internal floor area and storage is 74 sq/m (as the floor plan sets out a double bed and two singles). The internal floor area of the flats would be:

Flats 1 to 4: 129.25 sq/m

Flat 5: 261 sq/m

Therefore the flats are in excess of the space standards.

## **9.0 MAIN ISSUES**

- Principle of Development
- Neighbour Amenity
- Design and Character
- Highway Safety
- Representations
- Community Infrastructure Levy
- Housing Standards

## **10.0 APPRAISAL**

### Principle of Development

10.1 The site comprises one detached building with an established use within the C2 Use Class of the Use Classes Order (care home). The C2 use is no longer in operation, however, the site has been used for residential purposes for an extended length of time. The building was clearly a private dwelling at some point prior to its conversion and extensions for its previous use as Bluebell Care Home.

- 10.2 The application site is located within a wider established area of a residential settlement and is not identified within the Development Plan for any specific purpose. The site is in a sustainable location, close to public transport routes and local amenities.
- 10.3 The National Planning Policy Framework (NPPF) identifies one of its core principles as encouraging the effective use of land by reusing land that has been previously developed (Brownfield land). This application refers to residential development on land that has previously been developed in terms of the existing built structures and hard-standing areas; as such it can in part be regarded as Brownfield. The garden land is however classified as Greenfield. It is considered that the loss of the existing building is not necessarily harmful to the residential character of the area and an appropriately designed apartment block would sit well within the context of the area; moreover the type of accommodation could still be regarded as family housing as apartments could still be occupied by families depending on the nature of the scheme.
- 10.4 In any case, land to be developed must have regard to local context whether Brownfield or Greenfield; and therefore the layout, scale, type and design of proposed development and its effect on the local character play a fundamental part in the principle of accepting proposed development. What this means is that there must be emphasis on local character and that this must be a paramount consideration when dealing with residential development on such sites that provide a verdant function. As such the NPPF reflects the Councils approach in seeking to resist inappropriate development and placing emphasis on design and in protecting the character of an area.
- 10.5 The proposed scheme is considered to represent a contextual form of development with the urban grain of the area where buildings are set with relatively generous plots. The proposed building would be residential and of a domestic scale and therefore is considered to be responsive to the immediate and wider area. As such it is considered that the principle of flats in this location is acceptable and there is no policy context that prevents flats within established residential area subject to the nature of the scheme.

#### Neighbour Amenity

- 10.6 Core Strategy Policy P10 notes *inter alia* that developments should protect residential and general amenity. This is echoed in saved policy GP5 of the Leeds Unitary Development Plan (2006).
- 10.7 The proposed development is to demolish the existing two storey care home and construct a two storey apartment block with accommodation within the roof-space. The quantum of development would be five x 3 bedroom flats. The overall ridge height will be set slightly lower than the existing ridge height and the footprint of the proposed building is significantly less than the previous refusal (13/05233/FU). The building is to be moved away from the southern boundary. As previously mentioned the roof design has been amended from the scheme presented at pre-application and the roof form now proposed is a hipped roof which acts to reduce the impact in respect of dominance towards the neighbouring properties.
- 10.8 Given the location of the proposal and its orientation in relation to the sun, there are no concerns of any additional overshadowing of or loss of light to neighbouring properties which would still be able to receive good levels of solar gain.

- 10.9 SPG13 provides recommended separation distances that should be achieved between new dwellings, these distances primarily seek to maintain appropriate levels of privacy for existing and future occupiers; although it is noted that the guidance also advises that the suggested separation distances are intended as a guide and should not simply be applied without further consideration regarding the local character. Guidance within SPG13 suggests that a separation distance of 10.5m from main windows (living and dining rooms) to boundaries and 7.5m from secondary windows (bedrooms and ground floor kitchens) to boundaries are acceptable. Guidance also suggests a separation distance of 18m between secondary windows (bedrooms) and main aspect windows and 21m between main aspect windows. The locations of windows and door openings will face the hosts own private gardens and parking areas to the rear and the front of the site as well as the public realm of Harrogate Road. Windows are proposed in side elevations would serve en-suites and a W.C.; these are annotated on plan to will be opaquely glazed and this can be secured by condition.
- 10.10 The side boundary windows serving en-suites and a W.C would retain a gap of 1.6m tapering to 2.0m to the northern boundary, and this below the 2.5m set out in SPG13, however the use of opaque glazing is considered to mitigate for the deficit. To the southern boundary the windows also serve bathrooms and a gap of 3.3m would be achieved. This is therefore above the advice set out in SPG13 further supported by the use of opaque glazing. To the rear windows serving bedrooms and a communal stairwell are proposed and would retained a separation of some 24m to 29m to the rear boundary therefore in excess of the 18m set out in SPG13. The front elevation is living areas (kitchen/dining/lounges). These would address the highway and the properties beyond are in excess of 21m.
- 10.11 It is not considered that the number of units would generate undue levels of noise and disturbance above the previous levels that could reasonably be expected from the previous residential functions of the site.

#### Design and Character

- 10.12 Policies within the Leeds Development Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings, and reinforce local distinctiveness. Moreover, the NPPF states 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. It is fundamental that the new development should generate good design and respond to the local character. The NPPF goes on to state that that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Leeds Core Strategy (LCS) Policy P10 and saved Leeds UDP Policy GP5 seek to ensure that development is of high quality. LCS Policy P10 states that all new development for buildings and spaces, and alterations to existing, should be based on a thorough contextual analysis and provide good design that is appropriate to its location, scale and function.
- 10.13 The character of the area (Harrogate Road) is predominately of two storey dwellings, this proposal is a two storey property with accommodation within the roof, which reflects the surrounding area. When viewed from Harrogate Road it would have the appearance of a two storey building. The roof design is now hipped and so slopes away from the neighbouring properties, which also respects the design and character of the area.



10.14 To the rear a car-port is proposed. This would be outside of the public realm but evident from the residential realm of the neighbouring sites. However it is not considered that this element would be unduly harmful within the residential context. Moreover the proposed front boundary treatment of hedging and fencing would be retained and improved with the introduction of new retaining wall which would be contextual within the immediate area and would appear wholly appropriate on this part of Harrogate Road. Conditions can secure details of all boundaries and planting.

10.15 As such the application is considered acceptable in this regard.

#### Highway Safety

10.16 Core Strategy Policy T2 notes that developments be situated in accessible locations and should ensure that adequate parking provision is made. As part of the initial submission concerns were raised by Highways Officers which detailed issues regarding the lack of two way passing and a substandard level of parking provision. However following revisions Highway officers now raise no objections. Access and egress to and from the site and the levels off street parking are now acceptable.

10.17 As such the application is considered to acceptable in this regard.

#### Representations

10.18 The points raised in representation have been covered in the above report, whilst Drainage colleagues were consulted with regard to matters of drainage and have raised no objections subject to conditions as set out at the head of this report. Other matters raised which are not material planning considerations are the loss of value to nearby properties.

#### Community Infrastructure Levy

10.19 The Community Infrastructure Levy (CIL) was adopted by Full Council on the 12<sup>th</sup> November 2014 and was implemented on the 06<sup>th</sup> April 2015. In this case the proposal falls within Residential Zone 1, and having taking into account the demolition of the former care home it results in a CIL liability of £14,310 on the basis of the resulting net gain in gross internal floor area.

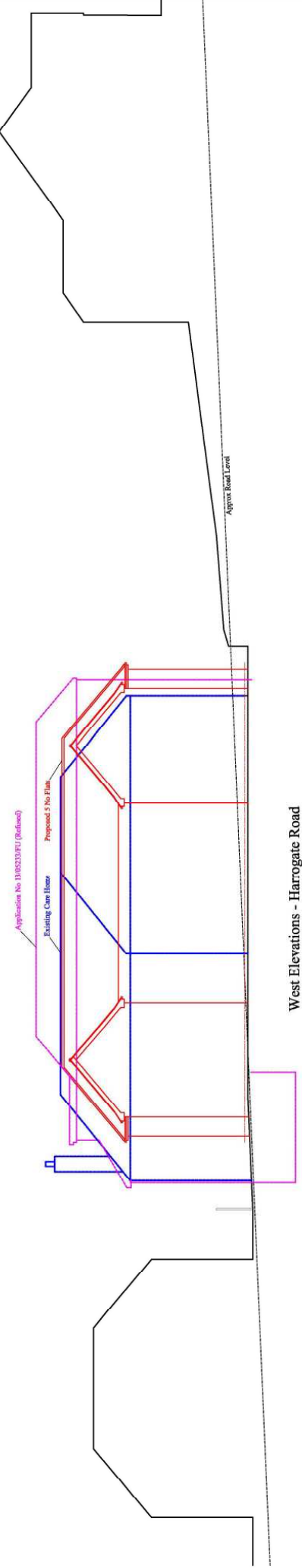
### **11.0 CONCLUSION**

11.1 In light of the above the proposed development is considered to be acceptable in terms of the effect that it would have of the character and appearance of the immediate area and therefore recommendation is made that the proposal be granted planning permission subject to the conditions set out at the head of this report.

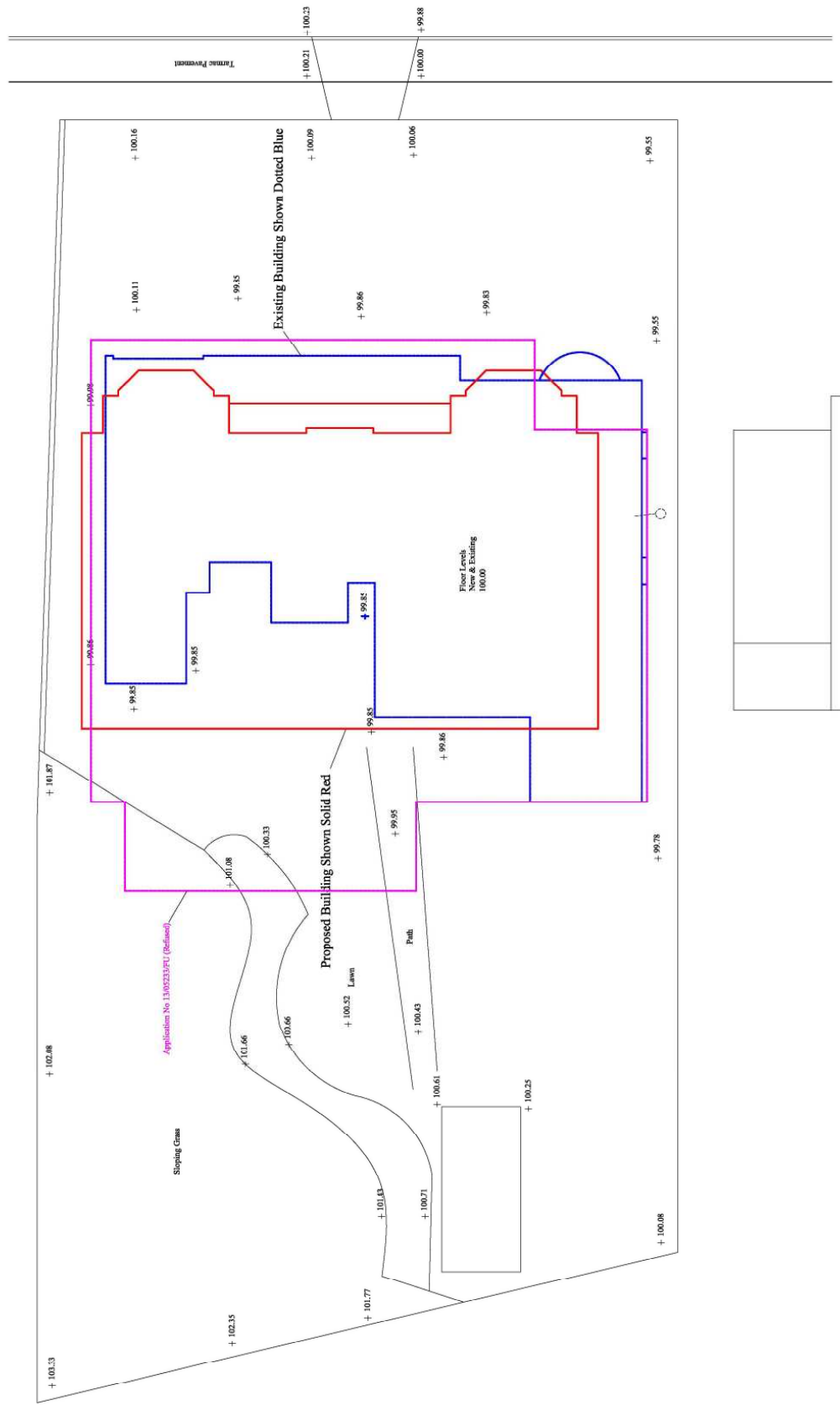
#### **Background Papers:**

Application files: 16/01027/FU

Certificate of ownership: Certificate A signed by the agent

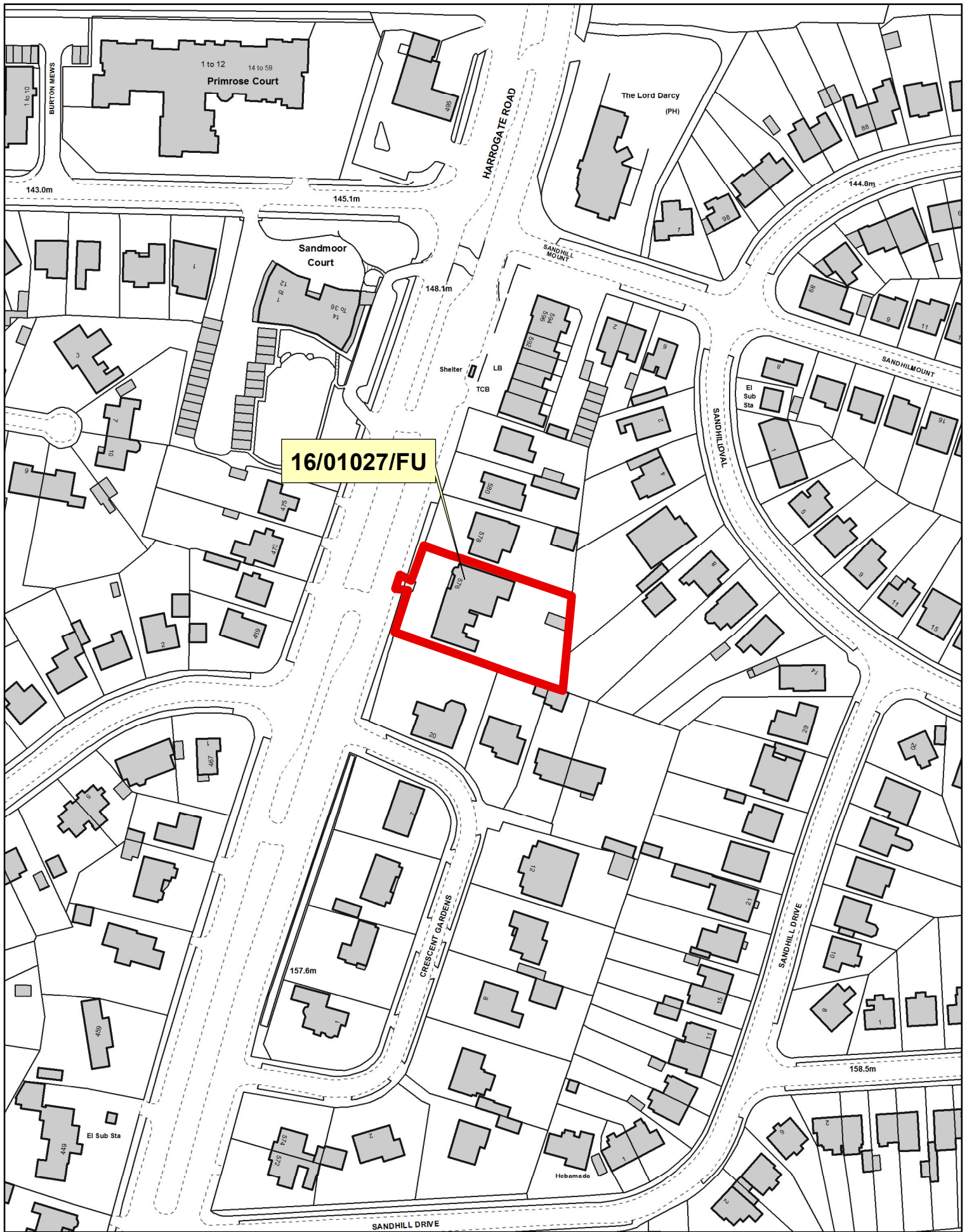


West Elevations - Harrogate Road



**E Bell & Associates**  
 Consulting Structural Engineers  
 Beck House Wetherby Road Little Ribston.  
 Wetherby LS22 4EP  
 Telephone / Fax 01937 583174.  
 E mail: eb@bellandassociates.co.uk

Project 576 Harrogate Road, Leeds LS17 8DP  
 Description Proposed Flat Development  
 Street Scene and Site Plans  
 Drawn By EB Date 17.07.2015  
 Scale 1 : 100  
 Drawing No 2015 / KB / 9C



# NORTH AND EAST PLANS PANEL

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

SCALE : 1/1500

