



## Report of the Chief Planning Officer

### Plans Panel West

Date: August 12<sup>th</sup> 2010

**Subject: APPLICATION 10/02052/EXT - Extension of permission of application 26/564/04/FU for change of use involving part demolition and 2 1/2 storey extension to side to form 14 flats AT ESCHER HOUSE, 116 CARDIGAN ROAD, HEADINGLEY, LS6 3BJ**

#### APPLICANT

Outside the Box Ltd –  
Mr Mark Davies

#### DATE VALID

17<sup>th</sup> May 2010

#### TARGET DATE

16<sup>th</sup> August 2010

<p><b>Electoral Wards Affected:</b></p> <p><b>Headingley</b></p> <p><input type="checkbox"/> Yes Ward Members consulted (referred to in report)</p>	<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input type="checkbox"/></p> <p>Community Cohesion <input type="checkbox"/></p> <p>Narrowing the Gap <input type="checkbox"/></p>
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### **RECOMMENDATION**

**To defer and delegate approval to the Chief Planning Officer subject to the conditions specified (and any others which he might consider appropriate) and the completion of a legal agreement within 3 months following Panel, unless otherwise agreed in writing by the Chief Planning Officer, to include the following obligations:**

1. Off-site greenspace contribution - £32,324.13
2. Flats will not be occupied by students.

#### **Suggested conditions:**

1. Development to commence within 3 years
2. Plans to be approved
3. Samples of walling and roofing materials to be submitted
4. Samples of surfacing materials to be submitted
5. Position, design and materials of boundary treatments to be submitted
6. Areas to be used by vehicles to be laid out and drained
7. Hard and soft landscaping details to be submitted
8. Tree and shrub protection
9. Replacement planting of trees within 5 years if required
10. Landscape maintenance schedule to be submitted
11. Details of disabled parking to be submitted
12. Details of windows to be submitted
13. Details of bin and cycle storage to be submitted
14. Separate system of foul and surface water drainage

In granting permission for this development the City Council has taken into account all material planning considerations including those arising from the comments of any statutory

and other consultees, public representations about the application and Government Guidance and Policy as detailed in the Planning Policy Guidance Notes and Statements, and (as specified below) the content and policies within Supplementary Planning Guidance (SPG) and The Development Plan consisting of the saved policies of the Leeds Unitary Development Plan Review 2006 (UDPR).

GP5, N2, N4, N12, N13, N19, T2, T24, H4, H15, BD5, BD6, BC7, LD1

On balance, the City Council considers the development would not give rise to any unacceptable consequences for the environment, community or other public interests of acknowledged importance and on balance planning permission should be granted for this extension of time planning application.

## **1.0 INTRODUCTION:**

1.1 The application has been brought to the plans panel following a request by a ward councillor (Councillor Monaghan) who expresses concern about the ongoing levels of development in the area.

## **2.0 PROPOSAL:**

2.1 The application is for an extension of time for the previously approved application 26/564/04/FU which gave permission for the change of use of 116 Cardigan Road from offices to flats.

2.2 Some demolition of existing extensions to the rear of the building was also approved.

2.3 A 2 ½ storey extension was approved to the rear to form a total of 14no. 2 bedroom flats.

## **3.0 SITE AND SURROUNDINGS:**

3.1 The site is located on the west side of Cardigan Road and is within the Headingley Conservation Area. The area is predominantly residential in character with a mixture of private housing and flats. The properties also show a wide range of styles with a number of impressive villas on Cardigan Road and terraced housing to the rear in the Chapel Lane and Broomfields areas.

3.2 The site currently contains a late 19<sup>th</sup> century brick built villa in the Gothic style which is in use as offices. The front elevation has gable detailing with bay windows and a central tower topped with a spire. To the rear is a relatively modern extension which matches in terms of materials but lacks the detailing of the existing building.

3.3 The road frontage is characterized by an open garden area with mature trees. There is a low level brick wall with railings and hedging behind on the front boundary with the highway and to the rear a high stone wall with gateposts and large gates. The access road runs along the southern boundary of the site and gives access to the parking areas at the front and rear.

## **4.0 RELEVANT PLANNING HISTORY:**

4.1 26/325/04/CA – Conservation Area application to demolish part of offices – Approved (5 year consent given from 3<sup>rd</sup> January 2006)

4.2 26/564/04/FU – Full application for a change of use involving part demolition and 2 ½ storey extension to rear to form 14 flats – Approved 8<sup>th</sup> June 2005

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 None

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

6.1 19 letters of representation have been received from local residents. All of these letters object to the development and some 6 of the letters are in the form of a standard letter.

6.2 The issues raised are:

- Parking pressures in the area are likely to be increased
- Insufficient parking provided on site
- Public transport in area is already stretched to capacity
- Increased traffic will lead to road safety issues in Chapel Lane where the community includes a number of young children
- Access to the site from Chapel Lane will exacerbate highway problems
- Recent over-development of area – excessive density of development
- Excessive numbers of flats/ HMOs/ students in area – population imbalance
- Transient population is detrimental to community cohesion
- Garden grabbing – site is Greenfield according to PPS3
- Loss of trees on site and impact on open nature of area

6.3 Councillor Monaghan has echoed these concerns and asks that the application is put to the plans panel in the light of the recent excess of development in the area.

## **7.0 CONSULTATIONS RESPONSES:**

7.1 Local Plans have required an off-site greenspace contribution of £32,324.13 as required by policy N2 of the UDPR

7.2 Highways also reiterate their earlier comments requesting that cycle and bin storage is secured by planning condition.

7.3 The landscape officer has requested no change in response excepting a re-wording of the tree protection condition to refer to a revised British Standard.

7.4 West Yorkshire Police make a number of suggestions relating to securing access to the flats, a suitable external lighting scheme and landscape design.

## **8.0 PLANNING POLICIES:**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 this application has to be determined in accordance with the Leeds Unitary Development Plan (Review 2006) unless material considerations indicate otherwise.

### **Development Plan:**

The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.

GP5 - seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD5 – requires new buildings to give consideration to both their amenity and that of their surroundings.

BD6 – extensions should respect the scale, form, detailing and materials of the host building

BC7 – within Conservation Areas development should be in traditional local materials

Policy N2 - support given to establishment of a hierarchy of greenspaces

Policy N4 - refers to provision of greenspace to ensure accessibility for residents of proposed development

N12- states that development proposals should consider and respect spaces between buildings; the best buildings of the past; good design; character and scale; encouragement of walking and cycling; adaptability for future uses; the needs of the elderly and people with disabilities and restricted mobility; visual interest; and crime prevention.

N13 - requires all new buildings to be of high quality and have regard to character and appearance of surroundings.

N19 – requires that all new development within or adjacent to Conservation Areas should preserve or enhance the character or appearance of that area.

T2 – developments need to be adequately served by existing or proposed highways, capable of being served by public transport and have provision for safe and secure cycle use and parking.

T24 - parking provision to reflect the guidelines set out in UDP Appendix 9.

LD1 - development proposals should protect existing vegetation, allow sufficient space around buildings to retain existing trees in healthy condition and allow new trees to grow to maturity.

H4 – determines that residential development on unallocated sites within urban areas are permissible providing they are acceptable in sequential terms, within the capacity of existing infrastructure and comply with all other relevant policies.

H15 – Area of housing mix

### **Relevant supplementary guidance:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Unitary Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

Neighbourhoods for Living  
Street Design Guide  
Greenspace relating to new housing development  
Headingley Draft Neighbourhood Design Statement

### **Government Planning Policy Guidance/Statements:**

In addition to the principal elements of planning policy other advice contained in Planning Policy Guidance Notes and replacement national Planning Policy Statements (PPS) may be of relevance to the submitted proposal. This includes:-

PPS1: Delivering Sustainable Development (2005)

PPS3: Housing (2006)

PPS5: Planning for the Historic Environment (2010)

## **9.0 MAIN ISSUES:**

- 9.1 The principle of the development
- 9.2 Assessment of the change in planning circumstances since the scheme was approved in 2005.
- 9.3 Assessment of the change in character of the local area
- 9.4 Representations

## **10.0 APPRAISAL:**

### **The principle of the development**

- 10.1 The guidance on determining applications for the extension of time to implement an existing planning permission advises Local Planning Authorities that the 'principle' of the development has already been established by the original permission.
- 10.2 Accordingly, as the proposal is unchanged in design, appearance, layout, scale and in all other regards, the principal of development is considered acceptable and should not be the focus of the debate in determining this application. Rather it is the consideration of any change in material planning circumstances that have taken place since this application was approved in 2005.

### **Assessment of the change in planning circumstances since the application was approved in 2005**

- 10.3 The Unitary Development Plan Review First Deposit Draft of 2003 was considered during the assessment of the previous application as well as the Unitary Development Plan 2001 which was the statutory development plan for the district at that time. Since then there has been a raft of new policy both local and national against which this application must now be addressed.
- 10.4 In terms of the local plan, this has resulted in little relevant change for this application. The Draft UDP Review identified this area of Headingley as being within the ASHORE (Area of Student Housing Restraint) which attempted to restrict all new student development within the area. Following the public inquiry, the inspector amended this policy to the current H15 Area of Housing Mix which seeks to manage the supply of student housing within the area so as to maintain a diverse housing stock for all sectors of the community.
- 10.5 The approval 26/564/04/FU included a condition restricting the flats to non-student occupancy and within the delegated report it was noted that the flats were of a high quality and as such it was not considered likely that they would be in student use. This is still the case except that such requirements are not now secured by condition but by legal agreement and this matter is currently with legal officers.
- 10.6 Beyond the UDP Review, there has been a significant change in national policy since 2005 with the introduction of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS5: Planning for the Historic Environment.
- 10.7 PPS1 and PPS3 have, perhaps most notably, raised the standards against which design should be assessed. PPS1 states that 'Design which fails to take the

opportunities available for improving the character and quality of an area should not be accepted' while PPS3 adds that 'Good design is fundamental to the development of high quality new housing, which contributes to the creation of sustainable, mixed communities'.

- 10.8 Considerable time was taken during the initial application process to ensure that the extension was subservient and in keeping with the original building. The extension is set at a lower level than the main building and to the rear such that it will not be visible from the front of the villa on Cardigan Road. The materials proposed are in keeping with both the Conservation Area and host building and the design detailing is of a standard in keeping with the villa. It should be emphasised that the proposed extension does not encroach on the frontage of the property in any way. In light of these factors it is considered that the design of the proposal meets the requirements of PPS1 and PPS3 in terms of good design.
- 10.9 Recent government changes have led to the exclusion of garden sites from the definition of previously developed (brownfield land) in PPS3 Annex B.
- 10.10 The area on which the extension will be sited is currently an area for car parking to serve the offices is not undeveloped garden.
- 10.11 It is not considered that the proposal in any way conflicts with the objectives of PPS5: Planning and the Historic Environment. This document seeks to conserve England's heritage assets in a manner appropriate to their significance, to ensure their continued and appropriate use and to ensure that their contribution to local character and sense of place is valued and recognized. Given that the design of the proposed extension is acceptable when evaluated against the requirements of PPS1 and PPS3 and the very minimal impact of the proposal on the frontage of the property then the proposed extension and change of use is considered likely to have a neutral effect upon the character or appearance of this part of the Headingley Conservation Area. As such it the proposal is considered to preserve or enhance the character and appearance of this part of Headingley. Accordingly it is considered that the proposal meets the requirements of PPS5 and policy N19 of the adopted UDP.

### **Assessment of the change in character in the local area**

- 10.12 Local residents have referred to a change in character in the local area brought about by a recent change in the make-up of the community which they have attributed to the increase in flats in the area since the original application was approved in June 2005. A number of schemes have been referred to within the letters of representation and it has been considered appropriate to look at these in relation to the current proposal.
- 10.13 The change of use and extensions at the Madeline Joy hostel on Broomfield Crescent was granted permission in 2 parts. The first part for the change of use of the hostel and some extension was approved in August 2004, prior to the approval of the application at 116 Cardigan Road. The second part of the development at Madeline Joy, consisting of 12no. 2 bedroom flats and 4no. 3 bedroom flats, was given outline approval in June 2004, also prior to the development at 116 Cardigan Road.
- 10.14 The Broomfield Hotel site on Chapel Lane involved the change of use of a hotel to 8 flats and was approved in September 2004, again prior to the 116 Cardigan Road site.

- 10.15 At Valley Court on Cardigan Road, planning permission was given for 16 flats in May 2005, prior to that on Cardigan Road. There have been no further extensions approved here since then.
- 10.16 From the developments cited by residents, only 2 have been identified as being approved since June 2005. These are a 47 bed student development at 45 St Michaels Lane (not implemented and subject to an Extension of Time Application which Panel deferred for further consideration) and 5no. 2 bedroom flats at 70-72 Cardigan Road. Both sites are approximately 300m from the Cardigan Road site. It is not considered that such a relatively small increase in flats within the area has significantly impacted on the housing mix in the area nor on the community mix of the population. The proposal itself is relatively small, consisting of 14 flats and, given the good mix of housing within the area, it is not considered that there is any material change in planning circumstances to justify refusal of the application. Furthermore the restriction of the occupation of the flats to non student residents is a further attempt to recognise that the demographic imbalance In Headingley is a matter for developers to consider. In addition it is noted that the current use of the building as offices would cease and although a residential use would replace this the impact of a commercial operation on the local area and surrounding highway network would cease.

## **Representations**

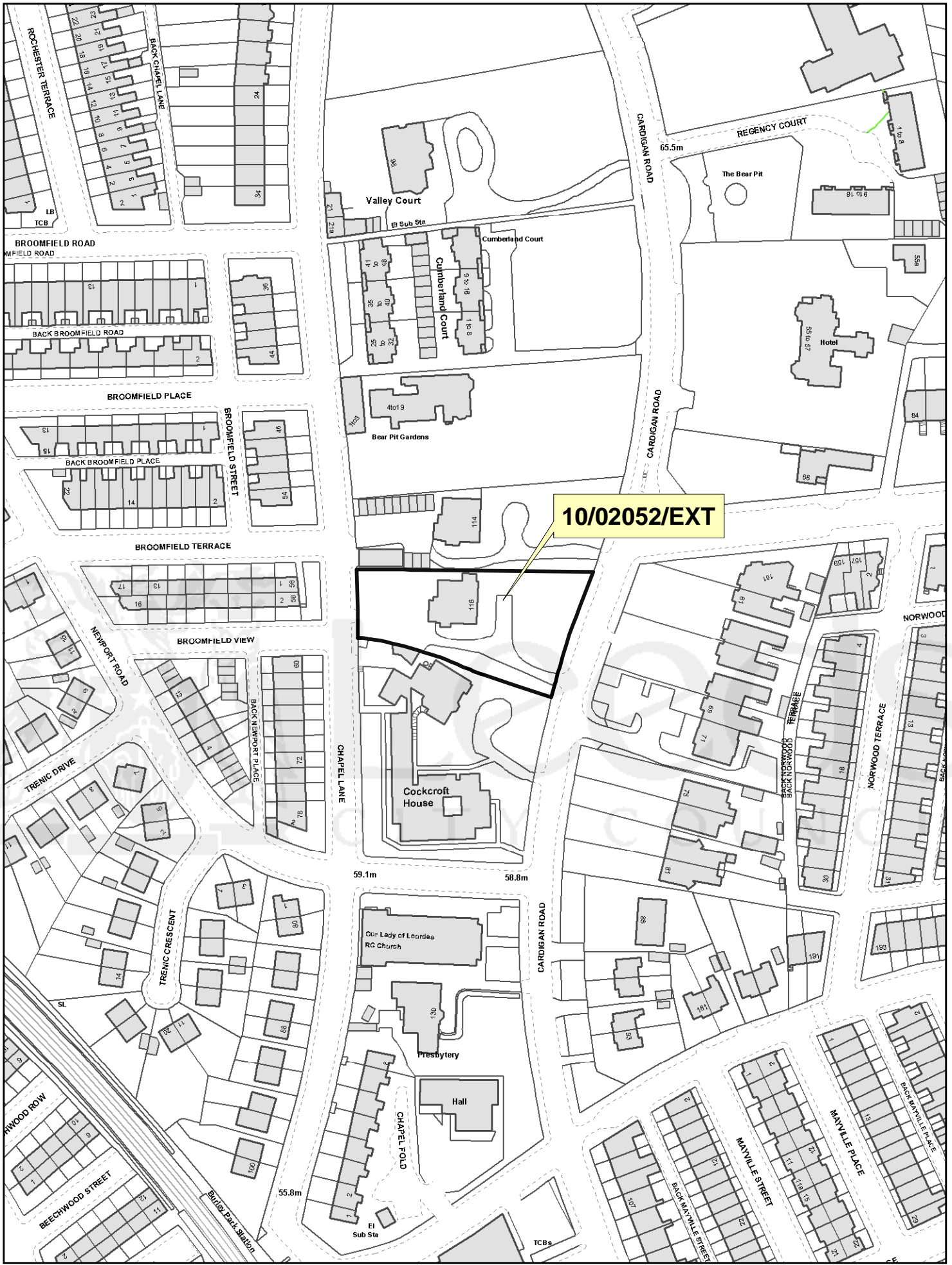
- 10.17 A number of residents have raised issues related to Highways concerns. The only changed circumstance since 2005 which has been identified is increased numbers of children living on Chapel Lane and a concern about the risk to them of increased traffic from the new development. There is no change in highways policy to make the proposal unacceptable now. In addition, only 5 parking spaces are accessed via Chapel Lane and this small increase in traffic is unlikely to significantly reduce highway safety in the area.
- 10.18 The only other issue raised by residents which has not been discussed earlier in the report is that relating to tree loss and the impact on the openness of the area. Since June 2005 there has been little significant development approved in the local area which would lead to a change in planning circumstances. The proposal is still considered unlikely to impact on the openness of the area by virtue of its siting. This positions the extension to the rear of the site away from the most significant trees and it is not proposed that there will be any significant tree loss of as a result of the proposal.

## **11.0 CONCLUSION:**

- 10.1 On balance it is considered that there is not a significant change in planning circumstances to outweigh the granting of the Extension of Time for this application. The scale of development and the change of use of a building currently in use as offices combined with a restriction on occupation is considered acceptable in this instance. As there are no changes to the design or appearance of the proposal and the proposed extension is not readily visible from Cardigan Road it is considered that the proposal preserve or enhances this part of the character and appearance of the Headingley Conservation Area.

## **Background Papers:**

Application and history files.



# WEST PLANS PANEL

