



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 7 October 2010

Subject: APPLICATION 10/00708/LA – RETROSPECTIVE APPLICATION TO LAY OUT CAR PARKING AREA TO BUNGALOWS AT GREENLEA MOUNT, YEADON, LEEDS, LS19

APPLICANT

West North West Homes

DATE VALID

17 February 2010

TARGET DATE

10 May 2010

Electoral Wards Affected:

Guiseley & Rawdon

Y

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

GRANT PERMISSION Subject to the following conditions

- 1) Works to be commenced within 3 months of the date of this permission and completed in accordance to an agreed timescale
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.
- 3) The detailed design of the highway works must be approved by Leeds City Council Highway Design Services prior to the commencement of the development.
- 4) All of the areas to be used by vehicles must be hard surfaced and drained, such that surface water from within the site does not discharge onto the highway.
- 5) The development hereby permitted shall not be used until a Management Plan for the car park has been submitted to, and approved in writing by the Local Planning Authority.
- 6) No development shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the local planning authority.

- 7) If, within a period of 5 years from the planting of any trees or plants, those trees or plants or any trees or plants planted in replacement for them is removed, uprooted, destroyed or dies or becomes seriously damaged or defective another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to a variation.
- 8) Before development commences details of works for dealing with surface water discharges from the proposed development including any off-site watercourse works shall be submitted to and approved by the Local Planning Authority.
- 9) No piped discharges of surface water from the application site shall take place until the surface water drainage works, including any off-site watercourse works, approved under the foregoing conditions have been completed.
- 10) Reason to Grant Planning Permission

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination following the request of a Local Ward Member (Councilor Graham Latty – Guiseley & Rawdon Ward) and because of the degree of public interest in this matter.

2.0 PROPOSAL:

- 2.1 The application seeks to regularise an existing private car park that was constructed in May 2007 without the required planning permission. The scheme was to provide parking for elderly residents of the surrounding bungalows and for visitors.
- 2.2 Although the application proposals seek to regularise an unauthorised development, significant alterations are also proposed to the layout and drainage of the site.

3.0 SITE AND SURROUNDINGS:

- 3.1 The application site consists of 15 bungalows managed by West North West Homes for elderly residents in a courtyard arrangement.
- 3.2 The existing car park was formally open grassland with footpaths used as general amenity space for the residents. The site slopes down east to west.
- 3.3 The private car park proposes 21 oversized spaces with footways and footpaths linking in to the surrounding area. The car park is accessed off Greenlea Mount, which is an adopted highway. The surrounding area is residential.

4.0 RELEVANT PLANNING HISTORY:

4.1 A retrospective planning application was originally submitted in July 2007 to lay out car parking area to front of bungalows, under reference 07/04401/LA. This application was refused for the following reasons:

4.1.1 *The Local Planning Authority considers that insufficient and inaccurate information has been submitted to determine the application as the scheme incorporates the Public Highway within the scheme and this is unacceptable. The proposed scheme is therefore contrary to Policies GP5 and T2 of the Unitary Development Plan (Review 2006).*

4.2 A further retrospective application to lay out a car parking area to the front of the bungalows was submitted in January 2009, under reference 09/00146/LA. This application was however withdrawn in April 2009 as it also failed to provide sufficient information.

5.0 HISTORY OF NEGOTIATIONS:

5.1 West North West Homes have stated that they were unaware that the works which were undertaken in 2007 needed planning permission. They have stated they undertook the work at the request of the existing residents. Since West North West Homes were made aware of the breach, discussions have taken place with the Local Planning Authority to attempt to find a solution through negotiation.

5.2 Originally West North West Homes applied for planning permission for what they had built (2007) and this was considered unacceptable by the Local Planning Authority. The applicant re-applied (2009) to try and overcome objections raised in terms of surface water drainage and highway safety. This resulted in a revised application being submitted that was also considered unsatisfactory for similar reasons.

5.3 Both the 2007 and 2009 applications were submitted by West North West Homes themselves. Following recommendations from officers, professional advice was sought by the applicants' and therefore professional planning consultants, highway and drainage engineers were engaged to provide the technical detail and information required and to propose solutions and this has led to the current submission.

5.4 To ensure that this situation does not occur again, a new procedure is now in place between North West Homes and the Local Planning Authority to assess whether other improvement works proposed for their site(s) require permission and for planning officers to provide guidance. Members are asked to note that this new procedure has resulted in 10 planning applications being submitted this year.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by the means of a site notice and neighbouring properties (36 addresses) have been written to directly. These addresses also include the interested parties who made representations on the 2007 and 2009 applications.

6.2 10 letters of objection have been received from surrounding residents and their objections can be summarised as follows: -

- Surrounding residents were never consulted before the work took place;

- Planning permission was never obtained prior to the car park being laid out;
- 3 years has now passed and retrospective planning permission has been applied for on more than one occasion;
- Why has no enforcement action taken place?;
- Footpaths are not acceptable and could cause accidents due to children using them as short cuts;
- Car park looks like an eyesore;
- Car park has caused increase surface water run off and problems of flooding to surrounding properties;
- Increased traffic cause by people perceiving the area as a through-road and using the site as a park and ride;
- Most of the residents in the bungalows, for whom the additional parking was created, do not possess cars. Why do they need all this additional car parking?;
- There is no need for the car park. Prior to the new area, there was already a number of spaces provided on Woodlea Approach; these are designated and signed for sheltered bungalows use only;
- Believe that the area should be reinstated to a grassed area with paths;

6.3 On the 07/04401/LA, we received 7 letters of objection from surrounding residents on the same grounds as above. The Council also received 10 letters of support from the elderly residents who use the car park.

6.4 On the 09/00146/LA, we received 6 letters of objection from surrounding residents on the same grounds as above. The Council also received 8 letters of support from the elderly residents who use the car park.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

7.1 YORKSHIRE WATER:
Awaiting response to the revised drainage layout. Their response will be reported verbally at Panel.

Non Statutory Consultees:

7.2 HIGHWAYS:
No objections, subject to conditions.

7.3 ACCESS:
No objections subject to conditions.

7.4 MAINS DRAINAGE:
Awaiting response to the revised drainage layout. Their response will be reported verbally at Panel.

8.0 PLANNING POLICIES:

8.1 The application should be determined in accordance with the Development Plan by virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, unless material considerations indicate otherwise.

Regional Planning Policies:

- 8.2 As confirmed by the Department of Communities and Local Government on the 6 July 2010, the Secretary of State has announced the revocation of the Regional Strategies. Therefore the Development Plan now consists of the Leeds Unitary Development Plan (Review 2006).

Local Planning Policies:

- 8.3 Locally Leeds City Council has begun work on the Local Development Framework ("LDF") with the Local Development Scheme most recently approved in July 2007. This provides a timetable for the publication and adoption of the Local Development Documents.
- 8.4 In the interim period a number of the policies contained in the Leeds Unitary Development Plan ("UDP") have been 'saved'. The Leeds UDP Review was adopted in 2006. The most relevant Policies in the adopted Leeds Unitary Development Plan are listed below.
- Policy GP5: Development proposals should resolve detailed planning considerations;
 - Policy T2: Development should not create problems of highway safety; and
 - Policy T24: Parking standards should be met;
 - Policy A4: refers to development and refurbishment proposals designed to ensure safe and secure environment; and
 - Policy N12: refers to all development proposals should respect fundamental priorities for urban design.

9.0 MAIN ISSUES:

- 9.1 It is considered that the main issues in this case are:
- The principle of the development;
 - Highway access, pedestrian safety and parking;
 - Surface water drainage;
 - Residential amenity

10.0 APPRAISAL:

Principle of development:

- 10.1 It is clear that given the age of the estate, the original design rational would not have taken into account current levels of car use. The application site was general amenity space for the residents in an open-plan layout with pathways connecting to the surrounding area. The applicant did set out to improve matters for residents, in allowing them parking near their front doors, access for medical care they may need and emergency access if required. The original parking for the bungalows was limited to 4 on-street spaces on Woodlea Approach. Residents could then access the estate via footpath link. There may also be benefits for other surrounding residents in reducing on-street car parking. The works that were implemented were however unauthorised and completed to an unacceptable standard.
- 10.2 The site is unallocated within the adopted Leeds Unitary Development Plan (UDP). There are no specific policies which relate to a proposal of this nature, i.e. the change of use of land from amenity space to the laying out of a private residential parking area. Proposals which which are not identified by any specific policy or

proposal should normally retain their existing uses or conform to the predominant use of the immediate area.

- 10.3 It is considered that the proposal is acceptable in principle, as providing necessary parking for residents, subject to normal development control considerations including impact on amenity, highway safety, and in this case surface water drainage.

Highway access, pedestrian safety and parking:

- 10.4 The construction and layout of the car parking area as existing cannot be supported due to the lack of manoeuvring space for some spaces, lack of drainage to prevent water discharge onto the public highway and because some footpaths are blocked by the car parking area reducing safe passage for pedestrians.
- 10.5 Since the original retrospective application was submitted, there has been significant and lengthy communication between the applicant and the Council's Highways Section. Whilst the car parking is private it would still need to be designed so that it provides satisfactory access and provision for pedestrians, cyclists, disabled people and others with mobility problems.
- 10.6 It is considered that with the revisions to the scheme proposed under this application, the applicant has now addressed these safety issues and the layout is now acceptable.

Surface water drainage:

- 10.7 As previously stated the application site was open grassland with footpaths used as general amenity space for the residents and as such surface water drainage was not an issue. As the site slopes down east to west, and is now primarily hard surfaced, surface water run off has increased and although the existing works do have some rudimentary drainage provision, this is inadequate and is understood to result in surface water flooding onto surrounding dwellings.
- 10.8 A drainage solution is now proposed within this revised application that includes a piped drainage layout, below ground storage tanks and connections (to an agreed rate) to the existing drains. Provided that works are conditioned and monitored, it is considered that these can resolve the drainage issues and allow the car park to remain.

Residential Amenity:

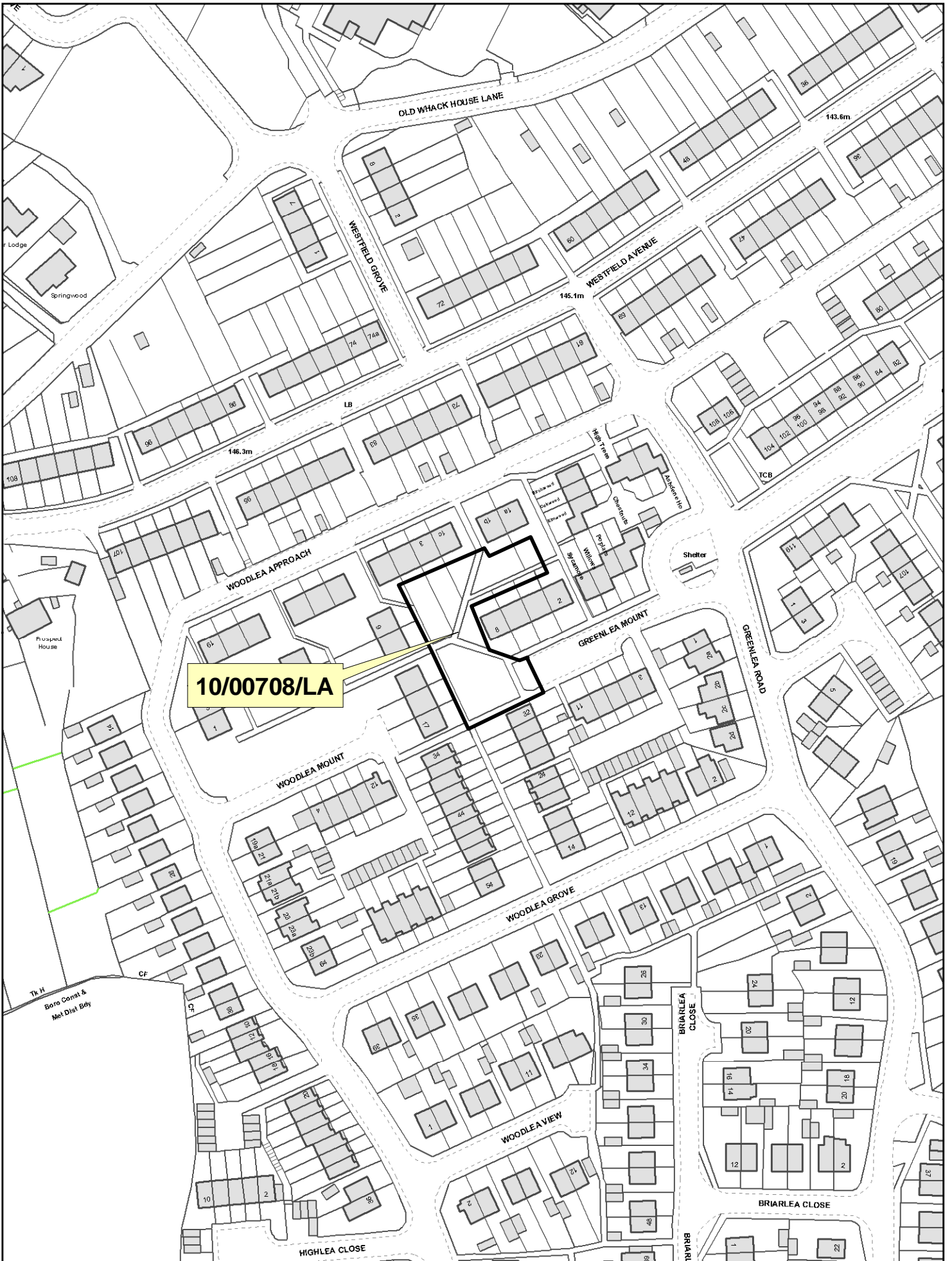
- 10.9 It is considered that the car park, given its location and size is unlikely to generate noise and disturbance that would have a detrimental impact on immediate neighbour's amenity.
- 10.10 Although the car park will eat into general amenity space, it is considered that the existing residents will not lose any private amenity space as this is in existence and unaffected up the additional parking. The revised scheme has increased distances from car parking bays to the existing dwellings. The revised scheme also proposes additional landscaping. It is considered that the amenity of the existing residents will not be adversely affected.

11.0 CONCLUSION:

- 11.1 It is considered that the proposal is an ancillary residential use which provides necessary parking for existing residents that is now in an acceptable form that does not have a unacceptable impact on amenity, highway safety or surface water drainage. Although there have been objections from surrounding residents, the occupiers of the dwellings for whom the parking is provided are supportive.
- 11.2 The application is considered to comply with the relevant policies of the Unitary Development Plan and National Planning Guidance and as such the recommendation is that the application be approved.

Background Papers:

Application file 07/04401/LA;
Application file 09/00146/LA; and
Application file 10/00708/LA.



10/00708/LA

WEST PLANS PANEL

