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## Report of the Chief Planning Officer

### Executive Board

Date: 3 November 2010

Subject: Planning Permission at Throstle Nest Villa, New Road Side, Horsforth

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#### Electoral Wards Affected:

Horsforth

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In

(Details contained in the report)

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## EXECUTIVE SUMMARY

This report provides the Executive Board with information regarding the deputation to Council by Mr Senior and Mr and Mrs Boucher in relation to planning permission for a residential conversion at Throstle Nest Villa.

The report highlights the main issues in relation to the planning application and how these were addressed.

The report responds to the highway concerns detailed in the deputation and looks at the alternative proposals made by Mr Senior and Mr and Mrs Boucher.

The report concludes that highway matters were carefully considered when the application was determined, and, regrettably the alternative solution is not practical.

## **1.0 Purpose Of This Report**

- 1.1 The purpose of this report is to provide the Executive Board with a response to the Deputation to Council made by Mr Senior, Mr and Mrs Boucher. The deputation highlighted concerns regarding the granting of planning permission at Throstle Nest Villa. This report sets out the background to the planning application and subsequent planning permission.

## **2.0 Background Information**

- 2.1 A planning application for residential development was submitted to the Council on 18<sup>th</sup> August 2009. The original scheme was for a change of use of an existing residential property to form 7 two bedroomed flats and 3 houses. The property is currently 12 bedsits and 4 one bed flats. Negotiations during the processing of the application reduced the scheme down to 6 two bedroomed flats and one 3 bed house and one 4 bed house. These were all conversions of existing buildings and involve no new building on site. An existing outbuilding was to be demolished to be used for the amenity space for the proposed flats. Appendix one shows a site plan of the property as existing with appendix two showing the proposed site plan.
- 2.2 There is an existing shared access for Throstle Nest Villa and Throstle Nest Grange from New Road Side. This access splits the garden for Throstle Nest Grange in two. There is also an unused access from the site onto Newlay Wood Crescent to the South. There are 16 beds which currently use the access off New Road Side and the proposed development is for 16 beds to use the same access. The three bedroomed property will have sole use of the access off Newlay Wood Crescent
- 2.3 There were 5 letters of objections to the proposed scheme with a number of objections from Mr Senior but none from Mr and Mrs Boucher. Councillor Cleasby and Councillor Townsley objected to the original proposal. Councillor Townsley withdrew his objection to the revised scheme. Highways were consulted on the original scheme. The highway officer undertook a site visit and initially requested revised plans due to the parking layout having car parking spaces that were substandard and the plan needed to show the proposed access to New Road Side. Highways were reconsulted on the revised plans and raised no objections.
- 2.4 The scheme was granted planning permission under delegated powers on 17<sup>th</sup> November 2009.

## **3.0 Main Issues**

- 3.1 Of interest to this deputation is the impact of the development on the highway network. A highway officer visited the site and in considering the application from the highway point of view looked at the following.
- a) does the access meet current standards
  - b) does the proposed development represent a material increase in use of the access which would make it reasonable to require improvements or an alternative.
- 3.2 a) The access drive is approximately 35 metres long and measures between 3.1 and 3.5m wide. The drive does not allow for two-way passing along its length so vehicles have to reverse back down the drive into the main part of the site or wait on New Road Side to allow vehicles to pass. This is not an ideal situation. Two -way

passing at the entrance is desirable where access drives are shared but this is not available here. However, despite the angle of approach of the driveway to New Road Side, all manoeuvres into and out of the drive can be made because of the wide width of New Road Side adjacent to the site. The access does not however, meet current design standards.

- 3.3 b) The existing property, Throstle Nest Villa, was a large house which had been subdivided into 4 one bedroom flats and 12 bedsits. All of these existing residential units were accessed from the existing access off New Road Side. The scheme granted planning permission was for 1x 3 bedroom house, 1 x 4 bedroom house and 6 x 2 bedroom flats. This equates to 8 separate dwellings and 19 bedrooms. As part of the permission the 3 bedroom house will have a separate (existing) driveway served from Newlay Wood Crescent. This means that 7 residential units with 16 bedrooms will be served from the existing vehicular access from New Road Side. This results in no material increase in relation to vehicular or pedestrian use of the property. In addition, visibility from the vehicular access meets current design standards (2.4m x 90m) and visibility of pedestrians from the driveway meets current standards (2m x 2m).
- 3.4 Following the submission of the Deputation to the Council by Mr Senior and Mr and Mrs Boucher, Officers have looked again at the basis of the decision to determine whether all the relevant information was properly considered and the conclusion drawn from that information was correct.
- 3.5 The injury accident data for New Road Side and Newlay Wood Crescent in the vicinity of the site, shows 3 accidents in the last 5 year period but none of them involved pedestrians and none of them related to the use of the existing access road.
- 3.6 The proposed scheme also provides a pedestrian access from the site onto the footway on New Road Side via a number of steps. While not all pedestrians will be in a position to use this access this does provide an alternative pedestrian route to the access road.
- 3.7 Turning to the access from Newlay Wood Crescent. This is an existing access, albeit it wasn't used to access the flat/bedsits. However, this access does not require planning permission to be brought back into use. The approved scheme proposes to use this access to serve one dwelling house is not considered to cause any significant highway safety issues. As visitor parking is provided on the new access drive this will reduce any use of kerb side parking on Newlay Wood Crescent by visitors to this single dwelling.
- 3.8 Despite the fact that the access off New Road Side does not meet current layout standards, due to the lack of material increase for the proposed use, there are no significant highway safety issues which arise.
- 3.9 The applicant has the benefit of planning permission and could implement the consent subject to discharging the conditions attached to the approval. Two of these conditions need to be discharged before development commences and these relate to boundary treatment and bin stores.
- 3.10 The deputation requests that the Council considers a new access to the development shown as access 'C' on their submitted plans. This is the existing pedestrian access to New Road Side. We have looked at this proposal carefully. However, there are a number of concerns with this alternative. The site is located in

a Conservation Area and the proposed access would require the removal of two mature trees and a section of stone wall. Both the trees and the stone wall are important features within the Conservation Area and the removal of the trees and part of the stone wall would have a detrimental impact on the Conservation Area. The access would allow for two way traffic within the site but the visibility along New Road Side would not be an improvement on the existing access to New Road Side.

- 3.11 There is a change in levels from New Road Side and the site and a new access would involve the construction of new retaining walls which could also have a detrimental impact on its appearance. This access proposal is not therefore, considered to provide a viable alternative.
- 3.12 It should also be appreciated that planning permission has already been granted and the period for challenging the permission has now passed. The Council has no powers to change this permission or to change the proposed access for the development. As a consequence the Council is unable to help further.
- 3.12 The use of the access off New Road Side through the curtilage of Throstle Nest Grange is a civil matter between the owners of both Throstle Nest Grange and Throstle Nest Villa and regrettably is a matter that the Council has no power to get involved in.

#### **4.0 Implications For Council Policy And Governance**

- 4.1 There are no immediate implications for Council Policy and Governance.

#### **5.0 Legal And Resource Implications**

- 5.1 There are no legal and resource implications related to this deputation.

#### **6.0 Conclusions**

- 6.1 In conclusion, further to the deputation to Full Council, officers have re-examined the background to the planning permission and the specific proposals outlined by Mr Senior and Mr & Mrs Boucher. Having taken a fresh look at the matters raised, it is evident that the access arrangements to Throstle Nest Villa have been long-standing and have not fundamentally changed as a consequence of the planning permission. The Council has no powers to reverse its planning decision and primarily it would appear that the main issues relate to the rights of access to Throstle Nest Villa and Throstle Nest Grange which are matters of private land ownership. Notwithstanding this point officers have taken full consideration of the alternative access proposal put forward in the deputation. However, due to a number of factors including the removal of mature trees, officers would not recommend it for consideration by the owners of Throstle Nest Villa, who ultimately would have to agree to promote this option.

#### **7.0 Recommendations**

- 7.1 Members are requested to note response to the deputation.

#### **Background Papers**

Planning application number 09/03303