



Report of the Chief Planning Officer

PLANS PANEL WEST

Date: 4 November 2010

Subject: APPLICATION 10/03772/FU – ALTERATIONS AND 2 STOREY EXTENSION TO FORM ENLARGED SHOP WITH ENLARGED APARTMENT OVER AND ERECT NEW 4 BEDROOM HOUSE WITH INTEGRAL GARAGE TO GARDEN AT 17 - 19 COOKRIDGE LANE, COOKRIDGE, LEEDS, LS16 7LQ.

APPLICANT

Mr. Parmar

DATE VALID

16 August 2010

TARGET DATE

11 September 2010

Electoral Wards Affected:

Adel & Wharfedale

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 (and any other deemed necessary by the Chief Planning Officer):

1. Standard 3 year permission;
2. In accordance with approved plans;
3. Opening Times;
4. Details of all surface materials;
5. Boundary Treatments;
6. Details of hard and soft landscaping;
7. Landscaping implementation;
8. Landscaping maintenance;
9. Surface Water Drainage details;
10. All dropped crossings to be constructed to the satisfaction of City Development;
11. Car parking details;
12. Cycle and bins stores;
13. 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 Leeds Unitary Development Plan Review 2006 (UDPR).

Policies GP5, H4, N12, N13, BD5, BD6, S2, S3A, S9 and T2.

SPG13 Neighbourhoods for Living
PPS1: Delivering Sustainable Development;
PPS3: Housing; and
PPS4: Planning for Sustainable Economic Growth.

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.

1.0 INTRODUCTION:

- 1.1 The Chief Planning Officer considers that this application should be referred to the Plans Panel for determination because of its significance, impact on the local area and following a request from local ward member, Councilor Barry Anderson (Adel & Wharfedale Ward).

2.0 PROPOSAL:

- 2.1 The application proposes alterations and a two storey extension to form an enlarged shop with a four bedroom apartment over, and a detached four bedroom house with integral garage to the garden.

3.0 SITE AND SURROUNDINGS:

- 3.1 The site is an existing corner shop built of brick and tile construction. The building is two storey with three bedrooms to the first floor. The building has a large forecourt area to the north and east. To the western part of the site there is a lawned area, plus a domestic garage accessed by a private drive. Adjacent to the eastern boundary of the site there is a lay-by which forms part of the highway. The area is characterised principally by two storey dwellings. The palette of materials includes brick, tile and render.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Following a review of the Council's records the following planning history on the site is considered relevant:-
- 4.1.1 Planning permission was granted in March 1992 for alterations to form enlarged kitchen and extension to form shower room to side of shop and dwelling, under reference 26/44/92;
 - 4.1.2 A planning application was withdrawn in April 2009 which sought permission for alterations and two storey extension to form enlarged shop with two bedroom flat over and detached four bedroom house with integral garage to garden, under reference 09/01052/FU; and
 - 4.1.3 Planning permission was refused on the 17 September 2009 for alterations and two storey extension to form enlarged shop with 4 bedroom flat over

and detached 4 bedroom house with integral garage to garden, under reference 09/02673/FU.

4.2 There is no other relevant planning history for the site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 As stated in paragraph 4.1.3, application 09/02673/FU was refused on the 17 September 2009. This scheme was refused for the following reason: -

5.1.1 The Local Planning Authority considers that the proposal would be detrimental to visual amenity and to the street scene by virtue of siting, design, scale and massing, and use of materials of the proposed enlarged shop and flat, and the detached dwelling. In particular the LPA considers that the prominent forward siting of the buildings, as well as the design of the enlarged shop and flat fails to have sufficient regard to the local vernacular, and is of excessive scale and massing. The proposed dwelling would be constructed of materials unsympathetic to those found in the local area and as such would be incongruous. Overall the total amount of development proposed for the site is considered excessive and the proposal therefore constitutes overdevelopment.

5.1.2 The Local Planning Authority considers that the proposal provides an inadequate level of off-street parking for users of the shop, which would lead to an increase in on-street parking on Mavis Lane and Cookridge Lane. Additionally the proposal fails to make adequate provision for servicing of the shop, resulting in delivery vehicles using the customer parking. The proposal also includes an extended length of dropped crossing of over 17m on Mavis Lane, which would be unsafe for pedestrians.

5.1.3 The Local Planning Authority considers that the application fails to demonstrate that the proposal meets the requirements of PPS6, or the criteria included in policy S9 of the Leeds UDP Review 2006 and as such fails to demonstrate that it would not be detrimental to the vitality and viability of identified local centres, in particular Holt Park Centre.

5.2 This application was subject to an appeal under reference APP/N4720/A/10/2121041. The Planning Inspectorate dismissed the appeal by letter dated 19 July 2010.

5.3 The Planning Inspector dismissed the scheme on the grounds of the appearance and character of the area, not on any potential impact on vitality and viability of the local centre or highway/pedestrian safety issues.

5.4 This revised application has been submitted by the applicant as they believe it overcomes the Planning Inspectors concerns of the scheme's impact on the appearance and character of the area.

6.0 PUBLIC/LOCAL RESPONSE:

6.1 The application has been advertised on site by the means of site notices (x3) on Cookridge Lane and Mavis Lane. All the above publicity started from the 3 September and ran until 24 September 2010.

- 6.2 In addition, all the neighbouring properties who made representation on the previous planning application have been written to directly on the 23 August 2010 making them aware of the current application proposals.
- 6.3 28 letters of objections have been received from local residents and their objections can be summarised as follows: -
- Lack of off-street parking, proposed parking would be difficult to access, increased traffic congestion, loss of highway safety due to poor visibility and inadequate provision for delivery lorries;
 - Loss of neighbour amenity due to overshadowing;
 - Inappropriate siting forward of the established building line / dominating impact;
 - Proposed extended shop is too large;
 - No need for expanded shop due to existing provision in the locality;
 - Potential for increased anti-social behaviour due to off-licencing hours; and
 - Out of character with a residential area / excessive size of development / lack of space about buildings.

7.0 CONSULTATIONS RESPONSES:

Statutory Consultees:

MAINS DRAINAGE:

- 7.1 No objections are raised to the scheme, subject to the imposition of drainage conditions.

Non-statutory Consultees:

HIGHWAYS:

- 7.2 No objections are raised to the scheme, subject to the imposition of highway conditions.

WEST YORKSHIRE POLICE:

- 7.3 No objections are raised to the scheme.

ACCESS OFFICER:

- 7.4 No objections are raised to the scheme following revised plans being submitted and subject to the imposition conditions.

8.0 PLANNING POLICIES:

- 8.1 As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004 where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates 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 our 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: -

- GP5 – proposals should resolve detailed planning criteria;
- H4 – residential development of non identified sites
- N12 – priorities for urban design;
- N13 – design of all new buildings should be of high quality and have regard to the character and appearance of the surroundings;
- BD5 – all new buildings should be designed with consideration given to both their own amenity and that of their surroundings;
- BD6 – all alterations and extensions should respect the scale, form, detailing and materials of the original building;
- S2 – vitality and viability of town centres will be maintained and enhanced;
- S3A – priority will be given for refurbishment and enhancement of local centres, including Holt Park; and
- S9 – retail developments outside of centres will not normally be accepted unless: the development cannot be accommodated within existing centres; the proposal would not undermine local centres due to scale and type of retailing; it addresses deficiencies in shopping facilities; it is accessible; it does not entail the loss of housing, employment or green belt land.

Supplementary Planning Guidance:

8.5 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.

- SPG13: Neighbourhoods for Living.

National Planning Policy:

8.6 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;
- PPS3: Housing; and
- PPS4: Planning for Sustainable Economic Growth.

9.0 MAIN ISSUES:

9.1 Having considered this application, its history and all representations, it is the considered view that the main issues in this case are the impact of the scheme on:

- The principle of an enlarged shop, and its impact on the vitality and viability of Holt Park Centre;

- Principle of residential development;
- The appearance and character of the area;
- Highway, servicing and pedestrian safety; and
- Residential amenity.

10.0 APPRAISAL:

The principle of retail development, and its impact on the vitality and viability of Holt Park Centre:

- 10.1 When the Council determined the previous scheme in relation to its impact on the vitality and viability of identified local centres (in particular Holt Park Centre), it was considered that the application failed to demonstrate that the proposal meet the requirements of PPS6, or the criteria included in policy S9 of the Leeds UDP Review 2006.
- 10.2 Information supplied within the previous application indicated that the existing shop had a gross internal floorspace of 45m² while the previous proposal would extend this to 178m², which represented a nearly fourfold increase.
- 10.3 Whilst it was acknowledged at the time, that the previous extension was less than 200 square metres (which is the threshold that requires an applicant to undertake a sequential test of alternative sites). The crux of the Local Planning department's argument was that the proposal failed to identify the potential impact upon the Holt Park local centre. This is because the UDP gives priority to maintaining the vitality and viability of existing local centres, and policy S3A specifically identifies Holt Park as one which will be given priority for refurbishment and enhancement as the vitality and viability of it is considered to be insecure. Holt Park is about 1.5km away, where there is a supermarket together with a range of smaller retail and service outlets. Without this evidence to support the previous proposal, officers believed that it would be likely to further undermine an existing local centre which is insecure.
- 10.4 National planning guidance on shopping developments in (PPS6), in force at the time of receipt of the previous application, has now been superseded by revised guidance in *PPS4 Planning for Sustainable Economic Growth*. This guidance also post-dates saved UDP policies S9 and S3A. This change in guidance occurred when the previous scheme was subject to the appeal (reference APP/N4720/A/10/2121041) and both the Council and the appellant commented and gave further evidence to the Planning Inspectorate on the scheme in relation to this change in government guidance.
- 10.5 Whilst dismissing the appeal, the Planning Inspectorate found in favour of the appellant on this matter and stated that *"I do not consider there would be material conflict with the thrust of UDP saved Policies S2 or S3A which have as broad aims the protection and enhancement of the vitality and viability of defined town centres such as Holt Park."*
- 10.6 The current application would only extend the shop by 53m² (an approximate doubling of the existing area) and is substantially smaller than the extension which the Inspector concluded was acceptable in shopping policy terms under the previous appeal.

- 10.7 Policy EC17 within PPS4, indicates that such uses that are not in an existing centre should be refused permission where there is clear evidence that the proposal is likely to lead to significant adverse impacts on matters including those set out in Policy EC10. These include accessibility by a choice of means of transport, local employment, economic and physical regeneration in the area and whether it would secure a high quality and inclusive design.
- 10.8 It was accepted by the Inspectorate that the increase in size of the shop unit and the likely consequent extension in the range of goods that might be sold would attract additional trade from a wider catchment together with further passing trade. However, having considered all these principle points previously, the Planning Inspectorate concluded that *“the proposal would primarily continue to serve the more immediate neighbourhood where it would be accessible by foot, cycle and car.”*
- 10.9 Given that this proposal represents a substantial reduction in new retail floor space from that considered acceptable by the appeal Inspector it is considered that it would be unreasonable for the Local Planning Authority to continue to seek to resist this proposal on PPS4 grounds and against UDP saved Policies S2 or S3A (ie out of centre shopping policies).

Principle of residential development:

- 10.10 The application site lies within the urban area of Adel and is unallocated with no specific land use allocation. Policy H4 is relevant (residential development on non identified sites). H4 sets out that the site should be within a sustainable location, acceptable in sequential terms , within the capacity of infrastructure and compliant with all other relevant UDP policies. The site is within the main urban area and reasonably located in relation to facilities.
- 10.11 The surrounding area of the site is predominantly residential. The proposed site is part of an existing rear garden and as such it is no longer defined as previously developed (*change to PPS3 - Annex B definitions*) and that this has become a material consideration in the determination of this application. Although the site is no longer regarded as brownfield, this does not automatically mean that development is unacceptable – the impact on character and appearance is critical as well as whether the development of the garden will adversely impact on the ability of the Council to meet brownfield targets or affect the 5 year land supply. With a site as small as this there will be no tangible impact on the ability of the Council to meet brownfield targets or contribute to the 5 year land supply. Site specific issues and the impact on character are therefore the most important factors to consider in this case.
- 10.12 The proposed new dwelling would still need to be assessed against policies GP5 with respect to general amenity issues, BD5, N12 and N13 with respect to design and particularly to the Supplementary Planning Guidance contained within ‘Neighbourhoods for Living’.

The character and appearance of the area (*enlarged shop and apartment over*):

- 10.13 The existing building is a relatively small corner shop. It’s appearance suggests that it dates from the 1920's or 1930's. It is of brick and tile construction, with render at first floor level. The building features large gables with oriel windows facing both Cookridge Lane and Mavis Lane. In this respect the building was clearly originally

conceived to '*wrap around*' the junction in design terms as both these elevations are very similar in design and proportions. The corner entrance to the shop also reflects this design approach.

- 10.14 The previous proposal sought the replacement of this modest 'corner' shop with living accommodation over with a larger store of about four times the floor area, again with living accommodation over, and a separate detached two-storey house within the present garden area. The store/apartment would have stood further forward than the existing towards the junction of Mavis Lane and Cookridge Lane, the new shop front being orientated towards this latter road.
- 10.15 It was considered that the previous proposal did not follow the original design principles of the building, in that the whole scale and massing of the new shop proposal was considered out of character with the area as the entrance was proposed to be re-orientated to face Cookridge Lane only, so that the building would no longer turn the corner as before.
- 10.16 On this issue the Inspector found in favour of the Local Planning Authority's stated position that the proposal would be harmful to the character of the area. The Inspector did, however, do so for very specific reasons. He found that the siting of the shop unit was acceptable and noted that there was no uniformity of design in the area. Generally he was supportive of the design approach taken and it is pertinent to note that this proposal represents a substantial reduction on the amount of extension and new build from that considered by the Inspector.
- 10.17 Nonetheless the Inspector was critical of the proposal's impact on the Mavis Lane frontage. Particular reference was made to the large expanse of walling proposed behind the parking spaces and the proposed roof form of the shop / apartment along with the height of the proposed new dwelling combined with what was perceived as a narrow gap between the two elements and the siting of the dwelling in relation to Mavis Lane.
- 10.18 To address these matters the enlarged shop and apartment elements has been amended from that previously submitted. These revisions are:-
- The setting back and amended design of the flank wall of the shop/apartment extension. The design aim of revision is to provide less massing and a reduced elevation to the shop unit;
 - An amended roof design of the shop/apartment extension; and
 - A significant increase in the gap between the two elements of the proposed development.
- 10.19 These revisions have resulted in the removal of the monolithic façade, roof and ungainly dormers to the Mavis lane frontage. This revised scheme is now considered to work much more sympathetically with the existing building. The reduction in the footprint has freed space up around the building softening the built form edge. A landscaping scheme for this part will be essential to prevent it becoming a hard surfaced forecourt for displaying wares. A condition is suggested to control this element.
- 10.20 As previously the design on the Cookridge Lane elevation does reflect existing arts and crafts detailing. Overall, given the amendments to the scheme and the Inspector's specific design comments, it is considered the scheme would not be

contrary to saved Policy N13 of the Leeds Unitary Development Plan (Review 2006) (UDP), which requires that the design of all new buildings should be of high quality and have regard to the character and appearance of their surroundings.

- 10.21 It is considered the scheme would satisfy the thrust of Planning Policy Statement 1 *Delivering Sustainable Development* (PPS1) which at paragraph 34 indicates that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

The character and appearance of the area (*new dwelling*):

- 10.22 The area is residential in nature and is characterised by properties of varying forms, styles, types and ages. The streets are laid out in a grid, linear form. The dwellings stand within large gardens, and are set back from the road frontage.

- 10.23 The previous proposal also sought approval for a large detached house to the rear of the site, fronting onto Mavis Lane. It was considered that the proposed detached dwelling appeared quite large, again with a very large roof and that the proposed use of materials such as stone and slate does not seem to be sympathetic to the area.

- 10.24 As stated previously, on this issue the Inspector found in favour of the Local Planning Authority's stated position that the proposal would be harmful to the character of the area. The Inspector did, however, do so for very specific reasons. To address the Inspector's concerns as annotated in paragraphs 10.17 and 10.18, revision have been made to the 'new dwelling' element of the scheme, and these are:-

- A reduction in the height of the proposed dwelling. The design aim of the revision is to attempt to make the proposed dwelling relate better to the existing and adjoining houses.
- A significant increase in the gap between the two elements of the proposed development is required; and
- Setting back of the main body of the new house and deletion of the previously proposed bay window. The design aim of the revision is to provide a more suitable relationship with the adjoining dwelling on Mavis Lane.

- 10.25 The revised proposed dwelling is now of a more 'traditional' appearance that reflects the property located at Mavis Lane. Its size and proportions are also reflective of other dwellings on Mavis Lane. The proposed new dwelling is also comparable in height and will not dominate the surrounding properties. The proposed dwelling is set back from the road frontage and space is retained around it and between it and the adjacent dwellings.

- 10.26 For these reasons it is felt that the development would not unacceptably affect the spatial pattern of development in the street or the visual amenity of the locality.

Highway, servicing and pedestrian safety (*enlarged shop and apartment over*):

- 10.27 The existing site is served by a hard standing area to the front of the shop and by a lay-by on Cookridge Lane. The new shop would be served by three spaces also accessed off Mavis lane, one being for disabled persons, the remainder for staff.

The proposals also intend to utilise the existing lay-by off Cookridge Lane which can hold 7 parking spaces.

- 10.28 In objecting to the previous scheme on highway grounds, the Council believed that the numbers of off-street parking spaces were inadequate when considered against adopted UDP guidelines. A total of 13 spaces would normally be required but only seven of the ones depicted would be acceptable. The three spaces shown on Mavis Lane for use of the shop staff and disabled customers were also considered unacceptable on a minor residential road such as this. As this would have introduced commercial parking to a residential street and would require a length of dropped crossing of over 17m, being detrimental to highway safety.
- 10.29 The Council also considered that the seven spaces shown on the Cookridge Lane side would in fact be located on Leeds City Council maintained highway land and would not be within the application boundary. Whilst it was accepted that there would be likely to be little demand for these spaces from drivers other than those using the shop, it was felt that the application relied on use of public parking provision outside of the applicants control. The applicant did also suggest the use of two parking spaces on the other side of Mavis Lane outside of 21 Cookridge Lane. However it was also thought that these were not likely to be used due to the distance from the application site.
- 10.30 However, the Inspector did not share these concerns and concluded that the scheme in his view provided adequate off-street parking for the proposed scheme. The Inspector determined that “the store/apartment would have five parking spaces within the site to include provision for its residents and for staff use.” He noted that there is an existing lay-by parking bay directly outside the present shop within Cookridge Lane which is clearly used by present customers, and this would continue to exist.” The Inspector also made reference to the further smaller parking bay to the north side of the Cookridge Lane/Mavis Lane junction. Although the Inspector agreed that this is outside the existing commercial premises, he believed that its proximity to the site would suggest that if spaces are available this too could be used by shop customers.
- 10.31 The Planning inspector also made reference to LCC’s guideline parking standards within the UDP, and that the Council considered there to be a shortfall in overall parking provision of some three spaces and this may therefore led to on-street parking. He concluded that “these guideline figures are maxima and in his view the scheme would continue to primarily serve a local neighbourhood catchment where walking and cycling custom would be likely, he consider that the overall availability of parking within the site and within the adjacent lay-bys would be adequate.”
- 10.32 In relation to pedestrian safety, the Inspector stated that “even if some degree of kerbside parking was to be occasioned in Mavis Lane it appeared to his own observations and the evidence presented that this is a relatively quiet residential street and highway and pedestrian safety would not be materially compromised as a result of this.” Nor did the Inspector consider there would be significant risk to pedestrian safety as a result of the dropped kerb that would extend the length of the five parking spaces to be provided within Mavis Lane. This because some of these are intended for staff and resident parking which is likely to mean more limited vehicular manoeuvring than if the bays were simply for customer parking. Also, there is a further unaffected footpath to the opposite side of Mavis Lane.
- 10.33 No servicing area is shown for this, or the previous scheme. In assessing the previous scheme, the Council conceded that it could be acceptable for deliveries to

take place from the lay-by, however a Traffic Regulation Order would be required to restrict use of the lay-by during delivery times. The applicant was and is unwilling to consider this as they believe it to be unnecessary.

- 10.34 The Inspector noted the Council's concerns that there was no dedicated parking provision for deliveries and these might therefore, have to take place within the space intended for customer parking, the adjoining lay-by or else within the road. On this issue the Inspector concluded that the overall size of the shop unit would itself be a limiting factor in the number and character of deliveries. The probable short-term nature of these led him to the view that servicing provision, even in the absence of a dedicated space, would be unlikely to pose a material detriment to road safety.
- 10.35 Given that all highway and pedestrian safety issues were considered acceptable by the appeal Inspector it is considered that it would be unreasonable for the Local Planning Authority to continue to seek to resist this proposal against policies BD5 and T2, which seek to ensure that, amongst other matters, proposals do not result in highway safety problems, or Policy T24 requiring parking provision to reflect guidelines provided within the UDP.

Highway, servicing and pedestrian safety (*new dwelling*):

- 10.36 This scheme (as the previous submission) would have two off street driveway spaces and a double garage for the proposed new dwelling. The apartment would be served by two off street spaces on Mavis Lane. In this context the Highways Department do not raise objections as the proposal will not prejudice the safe and free flow of traffic.

Residential amenity (*enlarged shop and apartment over*):

- 10.37 The opening hours of the shop are proposed to be 07:30 to 22:30 Monday to Saturday and 08:00 to 20:00 on Sundays. The site already has a licence to sell alcohol from the premises. It is not considered that these opening hour will cause any loss of amenity to surrounding residential properties though noise and disturbance.
- 10.38 Litter generated and other antisocial behaviour rarely occurs within the immediate vicinity of the premises but over a wider area, where the operator has no control over the behaviour of customers. This is generally a matter for other legislation to deal with. No clear evidence has been submitted to demonstrate that this issues are a particular problem on this site, and the containment of waste produced at the premises in order minimise litter and vermin activity could be required by planning condition.

Residential amenity (*new dwelling*):

- 10.39 It is considered that there will be no significant adverse impact on residential amenity through overlooking, overshadowing or loss of privacy to the adjoining residential properties in relation to the proposed new dwelling on Mavis Lane and the design of the dwelling, separation distances and provision of private garden space are acceptable under the Council's normal standards.

11.0 CONCLUSION:

11.1 The scheme is therefore considered to comply with the relevant local policies of the Unitary Development Plan and national planning guidance and as such the application is recommended for approval.

Background Papers:

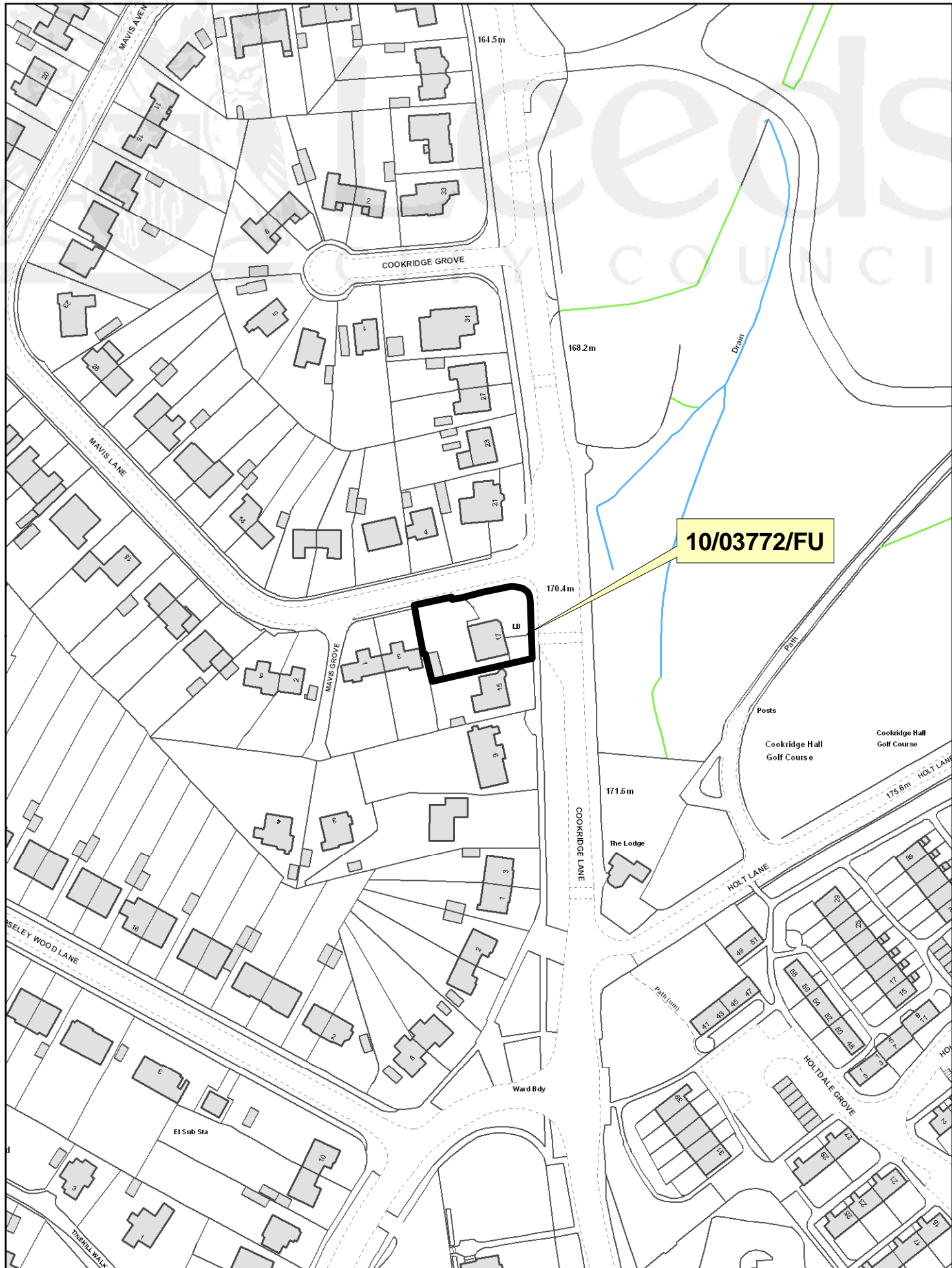
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10/03772/FU

Certificate of Ownership



WEST PLANS PANEL